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ABSTRACT

This report presents an examination of the history of the interaction of the courts and the school administration in their quest to provide an equal educational opportunity to the children of the District of Columbia, especially in the latter's efforts to comply with a court decision which ordered the system to equalize per pupil expenditures in the elementary school. A series of developments, namely, the events leading up to Hobson 1, response to Hobson 1 by the schools, Hobson II and the schools' response, and evaluation of the D.C. Public Schools implementation of Hobson II, and recommendations for further efforts toward achieving equal educational opportunity in the schools, are some of the topics discussed in the seven sections constituting this study. They are arranged as follows: introduction, the setting, events on the road to equalization, the management of implementation, resource allocation in selected D.C. Schools, a case study (1971-74), alternatives, and concluding remarks. A critique of this report prepared by the Public Schools of the District of Columbia, said to highlight particular problems with this report, and to offer information clarifying some of the misleading interpretations, is attached as part of this report. (Author/AM)

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A QUEST FOR EQUAL EDUCATIONAL OPPORTUNITY IN A MAJOR URBAN SCHOOL DISTRICT: THE CASE OF WASHINGTON, D.C.

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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FOREWORD

The case of Hobson v. Hansen is a landmark in the history of law and education. The first decision in that protracted litigation struck down "tracking" as a mechanism for achieving de facto segregation in the District of Columbia, thus significantly extending legal doctrines in the field of racial discrimination in education. The second decision, however, was to be even more significant, for in requiring the achievement of fiscal equity among the schools of the District, it marked the first victory in the legal campaign to end the denials of equality of educational opportunity inherent in traditional systems of educational finance. The study for which this foreword is written traces the problems, the procedures, and the results that have followed in the four years since Judge J. Skelly Wright handed down his second decision.

Since that 1971 decision, the manner in which revenues are raised and distributed for the public schools of America has undergone substantial reform in perhaps a dozen states, largely as the result of judicial mandate (i.e. Serrano v. Priest) or of legislative action to forestall such judicial intervention. Hobson v. Hansen dealt with fund distributions among the schools of a single school district, while the more publicized string of cases that followed Serrano focused on parallel inequities among the school districts of individual states. However, Dr. Baratz' description of "The Quest for Equality of Educational Opportunity in a Major Urban School District" has relevance for both types of equalization for it probes the interactions between a judicial mandate and the complex policy system which must construct and operate methods for achieving fiscal equity and ultimately, educational change. Furthermore, in its description of the conflict between regulations for

"comparability" under Title I of ESEA and the court's ruling, the study examines the problems of local school districts which must satisfy the somewhat conflicting demands of both state and federal equalization requirements.

In conducting this research, the author drew upon the expertise of her colleagues to aid in coping with the complexities of school finance and of the law. What she brought to it from her own training and extensive research experience was an anthropologist's careful eye for the intricacies of organizational behavior and a psychologist's concern for the learning problems of the disadvantaged. The result is a uniquely comprehensive study of education and the law, rich in detail and heuristic in its broad applicability.

Joel S. Berke, Director
Education Policy Research
Institute of ETS

June 1975

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This report represents one part of a joint effort of staff members of the D.C. Citizens for Better Public Education, the Lawyers' Committee for Civil Rights Under Law and the Syracuse University Research Corporation to explore the impact of the Hobson v. Hansen decisions on the schools of Washington, D.C. The SURC Education Finance and Governance Center had primary responsibility for studying the direct effects of equalizing per pupil expenditures among the District's elementary schools and examining the implications of alternative allocation procedures.

That responsibility could not have been fulfilled without the generous assistance of several individuals. Nancy B. Harrison and Louise Malone from D.C. Citizens were particularly helpful in reviewing the history of the court decisions and their implementation by the school district. Stephen Browning and David Long from the Lawyers' Committee assisted with the events and issues surrounding the court cases. Margaret Sharp, a Visiting Scholar from the London School of Economics, provided helpful criticism in reviewing initial sections of this manuscript. Judy Sinkin was essential to the preparation and discussion of the data in Chapter V. Special thanks to Gloria Roseman for her cheerfulness and cooperation in the arduous, and at times seemingly endless, preparation of this manuscript.

I wish to acknowledge the extraordinary cooperation staff members on this project received from the administrative staff of the District of Columbia Public Schools. Without their full support this project would not have been possible.

11 J.C.B.

June 1975

ASSUMPTIONS OF THIS STUDY

This report represents an attempt to evaluate the experiences of the District of Columbia Public School System in its efforts to comply with a court decision which ordered the system to equalize per pupil expenditures in the elementary schools. The assumptions of the researchers approaching such an evaluation were as follows:

1. that the school system is in compliance with the court order.

2. that equity in the distribution of educational resources, or the attempt to have all children receive their "fair share," is a worthy goal for any school system.

3. that "equal access to objectively measureable educational inputs [is] the very minimum [children] are entitled to under the Constitution."

4. that Judge Wright's equalization formula is only one of many possibilities for meeting the minimum requirements of the Constitution.

5. that a school system should deliver more than the "minimum" to children.

6. that "one child, one dollar" equity is not necessarily the only or the best "objectively measurable educational input."

7. that achieving dollar equity will not in itself solve the educational problems confronting a school system.

8. that there is widespread discontent with the present court order.

9. that the court is open to entertaining any changes in the present order providing such changes meet the court standards of being "specific, measurable and educationally justifiable...[and] are reasonably designed in substantial part to overcome the effect of past discrimination on the basis of socio-economic and racial status..."

CHAPTER I

INTRODUCTION

In 1954, the Supreme Court handed down its landmark decision Brown v. Board of Education[1] outlawing segregated school systems. At the time, the District of Columbia was operating a de jure segregated public school system. President Eisenhower supported the court in its decision and called on the District of Columbia to become "the model for the nation" in its efforts to provide all the children in the nation's capital an "equal educational opportunity." At the time of the decision, the District schools were 57% white, and were separated into two divisions -- "white" and "colored." Within a week of the Supreme Court decision, the school board announced its intention to desegregate the schools the following Fall. Twenty years after that landmark court order, however, the school enrollment in the District of Columbia is 96% black, the teachers are over 90% black, and the administrators and central policymakers are over 85% black.

What then has been the effect of the District's efforts to provide an equal educational opprotunity to its students? As we shall see, the District has been a party to many of the landmark decisions concerning the judicial definitions of "equal educational opportunity."

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1. Brown v. Board of Education, 347 U.S. 483 (1954) hereafter cited as Brown.

In the 1950's Bolling v. Sharpe[1] was combined with Brown and was one of the five cases considered in the historic Supreme Court decision prohibiting de jure segregation in public education.

This 1954 definition of equal education opportunity has encountered many problems politically, administratively and educationally.[2] This report describes the move of the D.C. Public School System from de jure segregation (pre 1954) to desegregation (1954-1964) to de facto resegregation (1964-1974), and focuses on efforts to equalize resources in the schools following the 1971 Hobson decree.[3] The experience of the District in implementing desegregation is particularly timely given the recent Supreme Court decision Milliken v. Bradley,[4] which has prohibited busing across metropolitan lines for the purpose of achieving racial balance. It would appear that the District of Columbia has been "ahead" of the nation's other large cities in both its efforts to desegregate and its responses to resegregation.[5]

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1. Bolling v. Sharpe, 347 U.S. 497 (1954) hereafter cited as Bolling.

2. See for example the debate between David Armor and Thomas Pettigrew in The Public Interest, Spring, 1974.

3. Hobson v. Hansen, 327 F. Supp. (D.D.C. 1971) hereafter cited as Hobson II.

4. Milliken v. Bradley, 41 L.Ed. 2nd 1069 (1974).

5. Bounded as it is by the states of Maryland and Virginia, Washington has never had the option of desegregating by merging with adjacent metropolitan suburban communities. Many of our large urban centers today are operating school systems with racial compositions similar to those present in D.C. in the late 50's and early 60's. According to the 1972 data published by Lambda, Detroit was 67.6% black, Chicago 57.1%, Cleveland 57.6%, Atlanta 77.4%, and Philadelphia 61.4% black. While the District is restricted in its integration efforts by neighboring state boundaries, it has had cooperative projects in the past with Maryland. Whittier, Cardozo and Meyer schools have all been involved in cooperative ventures with neighboring jurisdictions.

In 1965, Julius Hobson, a local civil rights activist, took the school district to court charging that the school system had failed to achieve adequate integration. He demanded that the school administration take steps to ensure more integration of students and faculty, and, to provide a more equitable distribution of school resources.[1] This case represented a leading edge in the shifting of the definition of "equal educational opportunity" from one dealing merely with de facto and de jure segregation of children and staff, to definitions involving formulas for the allocation of resources. In this case, discrimination was alleged not merely on the basis of racial classifications, but also on the basis of wealth.[2]

In 1971, when Hobson returned to court to seek enforcement of his earlier law suit, the judge ordered the school system, with some exceptions, to ensure that all schools receive an equal distribution of per pupil expenditures for teachers' salaries and benefits.[3]

As with the social science literature concerning desegregated education, the research on the relationship of dollars to academic achievement

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1. Hobson v. Hansen, 269, F. Supp. 401 (1967), hereafter cited as Hobson I.

2. Many cases have since been brought concerning discrimination in resource distribution to poor students (e.g., Serrano v. Priest, Rodriguez v. San Antonio) and have been the occasion for considerable reform in school finance patterns in many states. See, Berke, J. Answers to Inequity: An Analysis of the New School Finance. McCutchan Publishing Corporation, Berkeley, California, 1974. The District of Columbia is a single district school system. Consequently the Hobson II case involved intradistrict discrimination in resource allocation rather than interdistrict discrimination as in the cases cited above.

3. Hobson II. Equal was defined as +5% of the district wide mean.

is, at best, equivocal.[1] Nonetheless, the District of Columbia has operated a large metropolitan school system for three years within the constraints of a court imposed equalization formula.

The purpose of this monograph is to examine the history of the interaction of the courts and the school administration in their quest to provide an equal educational opportunity to the children of the District of Columbia. Most specifically, this case history seeks to describe: 1. the events leading up to the Bolling decision, 2. the school system's response to the desegregation order, 3. the events leading up to Hobson I, 4. the school system's response to Hobson I, 5. the Hobson II case and the District's response, 6. an evaluation of the D.C. Public Schools implementation of Hobson II, and 7. recommendations for further efforts toward achieving equal educational opportunity in the schools of the nation's capital.

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1. See for example, Coleman, J. et al, Equality of Educational Opportunity, Washington, D.C., GPO, 1966, Jencks, C., et. al, Inequality, a Reassessment of the Effect of Family and Schooling in America, Basic Books, 1972. Mosteller, F. and Moynihan, D. (Eds.): On Equality and Educational Opportunity, Random House, 1972. Guthrie, J. et al, Schools and Inequality, MIT Press, 197.. Bowles, S. Toward Equality of Educational Opportunity. Harvard Education Review, 38, 1968.

CHAPTER II

THE SETTING

Educational policy decisions in Washington as elsewhere, do not occur in a vacuum. The actions employed to respond to a policy decision occur within a complex political web of governmental relationships, social arrangements, and bureaucratic structures. Understanding both the reason for and the meaning of the events that affected Washington's public schools in the late 1960's and early 1970's is dependent upon sensitivity to the impact of the setting in which those events occurred. In the past twenty years the D.C. School System has been a defendant in four major court cases alleging the school system has failed to provide an equal educational opportunity for all the children it is charged with educating.[1] Why has the courtroom been the necessary recourse time and again? What is there about the educational and political environment in the District of Columbia that led to the involvement of the judiciary in the management of the public schools? And finally, what has been the outcome of court intervention?

To answer those questions and lay the groundwork for subsequent chapters, we examine four components of the educational and political environment and then review the District's 100 year experience in coping with the primary issue of integration and equity. The first component is standard: we present basic information on the D.C. Public Schools. Second, we look at the govenmental context in which education decisions are made. As a federal city, until 1974 lacking any degree of home rule, Washington is unique in this area.

1. Bolling, op cit, Hobson I, op cit., Hobson II, op city., Mills v. Board of Education of District of Columbia, 348 F. Supp. 866 (D.D.C. 1972), hereafter cited as Mills.

Third, we consider the structure of Washington society, the dominance of the racial issue and the way that issue has been manifest in the schools. The existence of two separate administrative divisions, one white and one black that persisted until 1954 and the social structure of the community are major foci of that discussion.

Finally, we explore the principal issue that absorbed District policymakers for so long -- school integration and equity. We examine the policymakers responses to demands for integration, and their policies following the Brown Decision, that led to the subsequent Hobson law-suits.

Basic Information Concerning the D.C. Public School System

Washington, D.C., seat of the national govenment, is a city of 756,000 people, 71% of whom are black. The D.C. Public School System is the 12th largest in the United States.[1] Its operating budget for FY 74 was $197.9 million (regular and Federal funds included).

The school system, serving over 130,000 children, is for all intents and purposes black. Ninety-six percent of the students are black, approximately 90% of the teachers are black, the vast majority of supervisors and administrators are black, as is the superintendent of schools.

The early 1970's have witnessed a decline in the public school enrollment largely attributable to population shifts to surrounding suburban communities, enrollment in area private schools and to a declining birth rate. This is especially true as regards the white population.[2]

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1. The Condition of Education, DHEW, (NCES) 1975, Table 48, p. 171.
2. The black enrollment dropped 4% between 1970 and 1974, while the non-black enrollment dropped 21% according to Oct. 1970 and 1974 Pupil Membership reports, D.C. Public Schools

While approximately 55% of the white children of school age attend private or parochial schools, 92% of the black school age children attend public school.[1]

The system has a large number of children from low income families attending its schools. According to 1970 census figures the median family income in the District is $9,583; however, over 60% of the children live in school attendance areas that are well below that median. In fact, over half of the elementary school children are eligible for free lunch.[2]

The low academic performance of the children and the dropout rate (especially in vocational schools) have been chronic problems. Standardized testing of children in the upper elementary grades and in the junior and senior high schools generally reveals that students in D.C., similar to those in other large U.S. cities, score below the national average in academic achievement.[3]

An historic theme of the school system has been that the budget approved by Congress is inadequate to meet the needs of a large, urban school system. Lack of funds is cited by the school system as the reason for not providing certain educational services, and not collecting more information necessary for evalualtion and policy planning. Because D.C. is a Federal city lacking local autonomy,[4] the funds for running the

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1. School data for this section is prepared from, Date Resource Book School Year 1972-73, Public Schools of the District of Columbia, 11/17/72.
2. Ibid.
3. Washington Post, 8/12/74, "Scores Drop in Reading and Mathematics".
4. In January of 1975 the District of Columbia's first elected city council in over 90 years took over the legislative functions concerning school affairs that until then had been within the purview of the U.S. Congress (e.g., teacher pay, school attendance laws, etc.). However, Congress has given the District of Columbia only a limited home rule and the Congress still: 1) must approve the annual city budget, and 2) can veto any acts of the City Council.

schools are determined by the Congress. The annual school budget is presented by the Board of Education to the Mayor and City Council for approval and inclusion in the city budget. The budgets are then presented to Congress and go through the same appropriation process as the budget for any Federal executive department. (Chart II-A) The House and Senate Appropriations Subcommittees for the District of Columbia have line-item control of the budget, and have required specific Committee approval for any reprogramming of funds (over $25,000) during the fiscal year.

Per pupil expenditure comparisons of the District of Columbia with other urban school systems and with neighboring suburban systems indicate that the District is nearer the top of the list in terms of per pupil expenditures than the bottom and at first glance may appear to have fared reasonably well with the Congress.[1] But the fact that the District of Columbia Board of Education must provide state as well as local services distorts the comparisons. In addition, the complex procedure is time-consuming and frequently the cause of delays in program implementation.

The budget procedure provides an indication that to understand the District of Columbia School System, it is necessary to understand its relationship to the Federal government.

1. The Condition of Education, op.cit., Table 33, p.157; Cooper, M. and Nelson, K. A Study of Comparative Data in Eight Large City School Systems FY 1974 and FY 1975, Public Schools of the District of Columbia, February, 1975.

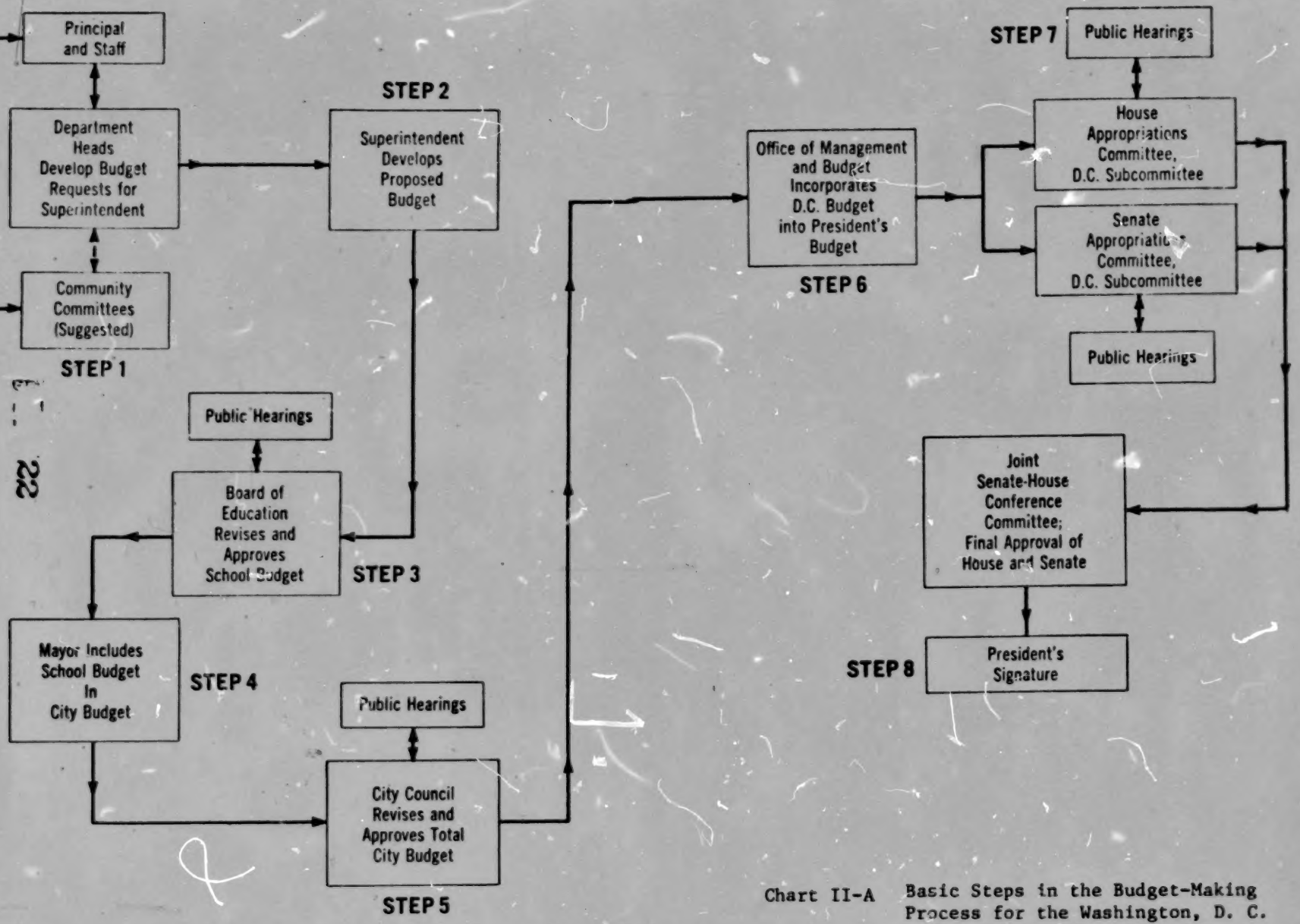
Principal and Staff
Department Heads Develop Budget Requests for Superintendent
Community Committees (Suggested)
STEP 1
STEP 2
Superintendent Develops Proposed Budget
Public Hearings
Board of Education Revises and Approves School Budget
STEP 3
Mayor Includes School Budget In City Budget
STEP 4
Public Hearings
City Council Revises and Approves Total City Budget
STEP 5
Office of Management and Budget Incorporates D.C. Budget into President's Budget
STEP 6
STEP 7
Public Hearings
House Appropriations Committee, D.C. Subcommittee
Senate Appropriations Committee, D.C. Subcommittee
Public Hearings
Joint Senate-House Conference Committee; Final Approval of House and Senate
STEP 8
President's Signature

Chart II-A Basic Steps in the Budget-Making Process for the Washington, D. C. Public Schools (Simplified)

Prepared by: D. C. Citizens for Better Public Education

The Governmental Context

The uniqueness of the D.C. Public Schools is most apparent in its governmental or structural context. The usual distinctions between state, local and Federal authority for education do not prevail. Briefly summarized, the major points of uniqueness are:

a. The District's Board of Education performs functions typically the responsibilities of the state. For all practical purposes it is an urban school district without either the on-going availability of supportive assistance of a state education agency or the systematic oversight of a legislature.

b. The District of Columbia's budget -- including schools -- is ultimately determined by the President and Congress. Both the specification of budget restrictions and revenue limitations have constantly created friction between District and Federal officials.

c. The District has no formal voice in determining Federal government decisions; Congressional representation, granted in 1970, is of a non-voting nature.

d. The District's problems, particularly its schools, have been exceedingly visible focal points for Federal governmental scrutiny and action.

The Federal govenment is not a force external to the school system but rather an intimate part of the local system. In short, the District of Columbia, as a Federal city with territorial legal status, is in a situation where there is little distance or distinction between functions that in other locales are clearly divided among local, state, and Federal authorities.

Governmental History

In 1802, the District of Columbia received its charter from the U.S. Government and began governing the area (then known as the City of Washington, the City of Georgetown and the county). The initial charter did not mention education. However, in 1804 a law was passed calling for the "establishment and superintendency of schools" for the white population, to be supported by a tax of $1.00 on all white male citizens

over the age of 21. By 1848, that law had been amended and the public schools of the District were aupported through a property tax. In 1861, in response to the emancipation of the slaves, the District passed a law setting up a separate "colored" school system to be administered by three trustees and to be supported from 10 percent of the revenue collected from "colored" property owners. In 1864 and 1866, the original law was amended again to provide that the "colored" school system was to receive from the District government an amount from District expenditures on education that was proportionate to the number of "colored" children between the ages of seven and sixteen who lived in the District.[1] In effect, this appears to be the first attempt to equalize school resources in the District.

A report to the House of Representative in 1871 indicates that the corporation of Washington did not live up to either the spirit or the letter of the law, and in fact, that the "colored" system was able to function only through the generous assistance of the Freedman's Bureau and northern benevolent associations that sent teachers, supplies and money to Washington.[2]

In 1878, due mainly to allegations of gross mismanagement in the Department of Public Works, the Congress rescinded its charter to the

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1. Department of Education. Special Report of the Commissioner of Education on the condition and improvement of public schools in the District of Columbia. Washington, D.C., GPO, 1871. At that time, there was also a report to Congress that petitioned for supplemental funds similar to today's "impact aid": "In consequence of the large number of children, white and colored, brought to the capital by reason of the operation of government, the parents of whom being temporary residents, own no property and pay no taxes, but whose children should and must be educated, it is deemed but right that Congress render some aid in keeping up a proper system of public schools." (p. 66).

2. Ibid.

District and local citizens lost their voting franchise. From 1878 until 1968, when local school board elections were held, the District had no elected officials and only an appointed government.[1] As a result of this loss of self-government, Washington, D.C. became a "company town," with the national government being "the company." Since 1878, the District budget has been approved by Congress and the District has been beholden to Congress. Even as this is written, with a newly elected mayor and city council, there is still "the threat of displeasing Congress" hanging over the citizens.[2]

The newly elected city government still does not have any clout with the Congress which retained the budget authority under the new home rule charter, and the right to veto any action of the duly elected city government. In addition, the District still has no bigger voice in Congress than that of a "non-voting delegate."

Historically, this political arrangement has meant that when one wanted to get something done in the city, one didn't "go fight city hall" but went lobbying on the "Hill." Members of Congress, not beholden to any District of Columbia constituency, often determined policy for District government on the basis of the provincial attitudes of the "folks back home," hundreds of miles from the nation's capital.[3]

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1. Green, The Secret City, A History of Race Relations in the Nation's Capital, Princeton University Press, 1967.

2. A Washington Post editorial, 6/19/74, exhorted the citizenry to conduct themselves in the upcoming election in a seemly manner lest Congress feel obliged to rescind the "home rule" charter.

3. In 1939, when Elwood Street asked Congressman Collings (D. Miss.) then Chairman of the House District Appropriations Committee for funds for the Negro unit of the National Training School for Girls, he replied: "If I went along with your ideas, Mr. Street, I'd never keep my seat in Congress. My constituents wouldn't stand for spending all that money on niggers."

Examples abound of the attitudes adopted by Congress toward the problems of the District. In the middle 1950's, after the 1954 Supreme Court decision, Southern congressmen opposed to integration held closed meetings to investigate the District of Columbia's experience with integration and then leaked much derogatory information.[1] In 1967, when Senator Robert C. Byrd, Chairman of the District Appropriations Subcommittee, objected to Judge Wright's busing decree, calling the order, "an experiment in folly," he asked school officials during committee hearings to identify the busing money "so I can know where to put the red pencil."[2] On the more positive side, Congressional hearings such as those conducted by Representative Pucinski in 1965,[3] have helped support advocates of change in the District's educational policies.

The Schools and Community

In 1878, when the District's self-government charter was revoked by Congress,[4] the two separate school systems set up in 1861 -- one white and one black -- were placed under a single Board of Education. These two divisions remained separate administrative units until 1954 when the District Bolling suit was combined with Brown before the Supreme Court, and segregated schooling was declared unconstitutional.

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1. Davis Committee Hearings in the House, 1956.
2. Sims, R., Parental Attitudes Towards Busing, M.A., Howard University, 1971.
3. Pucinski Report, Investigation of the Schools and Poverty in the District of Columbia, Hearings before the Task Force on Antipoverty in the District of Columbia of the Committee on Education and Labor, House of Representatives, Eighty-ninth Congress, first and second sessions, 1965-1966.
4. Due primarily to mismanagement of the Public Works Department. See Green, op. cit. pp. 111-112.

Divisional superintendents and the black superintendent no longer had direct access to the school board. Although there were blacks on the appointed School Board,[1] they were outnumbered by whites, six to three. Despite population shifts over the next half century, a white majority Board continued until 1967, the year of the first Hobson decision.[2]

From 1878 until the Bolling decision, demands for desegregation were sporadic and inconsistent.[3] There was, however, continual complaint from the black population about the lack of finances being distributed to the black schools.[4] Such complaints were consistently supported by the government reports and special studies of the District schools.[5]

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1. The Judges -- appointed officials -- of the District of Columbia were responsible for appointing the members of the Board of Education. The 1906 law that gave them that authority stated that there had to be three women on the Board. There was no specification according to race.

2. When the Board was first composed of three blacks and six whites, it was fairly representative of the white/black school population. (Green, 1967.) However, despite the drastic population shifts it was not until 1962 with a 90% black school population, that a fourth black member was appointed to the Board. Blacks were not a majority on the appointed Board until 1967.

3. Green, op cit explains Andrew Johnson's veto of a bill to integrate the D.C. school boards as a result of pressure for veto from the leaders of the black community, p. 100.

4. Ibid.

5. For example, House Special Report of the Commissioner of Education D.C. 1871, Department of Interior Report 1911, Strayer, G. The Report of a Survey of the Public Schools of the District of Columbia, Washington D.C. G.P.O. 1947, Hereafter referred to as the Strayer Report.

The relationship between the school board and the District of Columbia municipal government has frequently been less than harmonious, although this situation is not uncommon among fiscally dependent urban school systems. While budget deliberations have been the usual focus of conflicts, the Board's relationship with the office of the Corporation Counsel has also been a source of conflict. The Corporation Counsel represents the District government in any legal questions. During the litigation surrounding the Supreme Court 1954 decision on segregated education, the District of Columbia was a defendant in one of the five cases argued before the court.[1] The Corporation Counsel failed to consult the administration or the Board for consensus, and instead prepared a defense which at times was in conflict with the public record established by the Board and the administration.[2] Again during the Hobson v. Hansen lawsuits, Board members repeatedly were dissatisfied with the legal representation they received. Particularly during the second Hobson case of 1970-71, the Board did not feel in control of the attorney defending the school system. The objectives of the Corporation Counsel attorney often seemed at variance with those of the Board and, on occasion he made decisions without first clearing them with all Board members. Congress refused to provide funds for the Board to hire its own attorney. Thus, the Board was forced to stumble through critical proceedings without having confidence in its legal counsel.[3]

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1. Bolling v. Sharpe, op.cit.

2. See Jerome A. Contee The Politics of Educational Decision Making for K-12 Public Education in Washington, D.C., Ph.D. dissertation, Syracuse University, 1974.

3. For more details on the court proceedings see Chapter III, p. 54.

The Societal Context

Washington, D.C. is not only a black southern city, it is the largest black city in the United States and has held that distinction since 1957. Whereas shortly after World War II the population was approximately two-thirds white and one-third black, by the time Julius Hobson went to court in 1966 those proportions had been almost completely reversed. At that time, the District's schools were 90 percent black; in 1973-74 they were 96 percent black. Washington's black population is heterogeneous -- many affluent families, many well educated middle class professionals, and a large number of impoverished families.

The critical realities that continually characterized the administration of the District's schools were white apathy if not overt racism, toward the plight of black schools and the tight control of the purse strings by predominantly white southern Congressmen. The effect on the schools in the black division was not surprising. There were chronic problems: 1. old buildings (as the white population moved to new communities, blacks moved to abandoned white areas and old white schools were turned over to the blacks), 2. overcrowding[1] which resulted in high pupil/teacher ratios and low per pupil expenditures, and 3. irrelevant curricula. The result was inequality of educational opportunities for black children. In addition, the black school division

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1. From 1935 the white public school population declined in the District while the black increased, "...no substantial effort was being made to increase facilities for black students. For example, in 1950, 7,358 white students attended 7 high schools across the city. 5,001 black students attended 3 high schools, two of them across the street from each other and the third a few blocks away." "D.C. Public Schools, 1954-1973," D.C. Citizens for Better Public Education Draft, July 1973

adopted a policy of devoting a large percentage of its meager resources to those schools it considered were serving the most promising students.[1]

The social stratification of Washington's black community and the severe problems associated with those schools serving the poorest children have historically influenced the attitudes and aspirations of the District's predominantly black teaching staff. Like their white counterparts, black middle class teachers preferred the "rewards" that came from teaching in schools serving pupils who were more easily motivated to learn.[2] The preferred administrative and teaching assignments were in such schools in both divisions. Indeed, one of the outcomes of Judge Wright's 1967 decree which called for more faculty integration appears to have been the movement of a number of highly trained and experienced black teachers to the predominantly white schools West of the Park.

Interest Groups

In a typical political environment, interest groups play important roles in setting agendas for public debate and influencing policy decisions. The interest groups in the District tend to fall into four broad categories:

1. Those that are especially concerned with general education policy and whose charters focus specifically on education issues or interests--Home and School Associations, P.T.A., the D.C. Citzens for Better Public Education, etc.

2. A second group of organizations that are concerned with education but whose involvement is generally related to specific professional self interests--The Washington Teachers Union, the District Education Association, the

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1. Green, 1967. This policy allowed for the creation of an elite group within the black system. See, Sewell, T. "A Case of Black Excellence," Public Interest, Spring 1974. Inte ration threatened not only the elitism of the whites but also that of blacks.

2. Greenberg, D., McCall, J., Analysis of the Educational Personnel System: Teacher Mobility in San Diego, Rand Corporation, 1971.

District Education Association, the Council of School Officers, etc.

3. Organizations concerned with a cross section of civic affairs that have education components more or less active as specific school issues are generated around the city--League of Women Voters, Urban League, N.A.A.C.P., Civic Associations, etc.

4. The "surprise actors"-defined by Bailey as "individuals and associations engaged in pursuits not normally aligned with public schools but which for numerous and subtle reasons" become involved in educational issues.[1] Julius Hobson, who worked virtually alone in his opposition to the Board of Education and Superintendent Hansen is a case in point.[2]

Following school integration there was a concerted effort on the part of most educational interest groups to work together to encourage Congress to increase financial support of the public school system. It was not until the early sixties that dissension began to develop over school policies--most especially tracking--and groups supporting and opposing the superintendent and his policies began to emerge. Another cause for the weakening of the coalition of the various types of interest groups was the growing lack of confidence in educational professionalism on the part of citizen groups. This factor, coupled with the growing

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1. Bailey, et al., Schoolmen and Politics, Syracuse University Press, 1962, p. 23.

2. Although many groups including local branches of national civil rights organizations were concerned about issues that Hobson addressed in his 1967 suit, they did not join him in the court case. Possibly the failure to form a coalition of education and civil rights interest groups on behalf of change in the District could be attributed to Hobson himself. In 1966, the Negro establishment in Washington was certainly more fearful than enthusiastic about shouts of "black power" and Hobson's stance was seen as strident and aggressive by many more moderate advocates of change. Our interviews disclosed that, for many of the interest groups, Hobson, not the educational issue he was pursuing, was the source of the controversy. In addition, Hobson did not want to litigate "by committee." He wanted to control the litigation.

militancy of the union in voicing its self interest (at times in conflict with community goals) tended to lessen cooperative interest group activities petitioning Congress for a common purpose.

While there has been considerable interest group activity in educational affairs in Washington, there are several factors in the educational-political environment of the District of Columbia that have served to inhibit the sustained involvement of interest groups in educational policy decisions.

First, the peculiar relationship to Congress and absence of a locally elected government were critical factors. Since the Congress and the President governed the city with no elected representation from the District residents,[1] the citizens did not have the clout of the ballot box when they petitioned the Congressmen on the District Committee concerning the educational needs of the District. In addition, until 1973, the House District Committee was dominated by conservative, and at times blatantly racist Southern Congressmen who were generally unresponsive to the needs of the black citizens of the District of Columbia.

Hobson has indicated that the relationship of the District to Congress may well be responsible for the lack of community participation:

> I am suggesting that there is a great deal of apathy in this community which I have not found in other communties. I came out of a southern community where people are economically much worse off than they are here, but there is one advantage in being economically worse off; you can identify yourself; you know who you are, and where you are, and where you need to go.

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1. In 1972 the District was able to elect a non voting delegate to the House of Representatives.

> It seems in Washington we have great frustrations, a middle class white and Negro frustrated group. There is apathy; there is no question about it; on any social problem that you raise, and then there is fear. Everybody works for the Government. I work for the Government myself, and they feel that if you do this and work for the Government, if you fight for what is supposed to be, it will hurt you.[1]

Second, the absence of an active academic community with sustained involvement in local educational affairs. In the states that he studied, Bailey has indicated that academics play a significant role in influencing educational policy.[2] This was not the case in the District. In fact, when the school board or the Congress commissioned studies on alternative educational policies, or fact-finding investigations of the school system, they selected academics from outside the D.C. area.[3]

Third, the monolithic nature of the system. The fact that there was only a single district comprising the education system, and the superintendent of that system functioned as both local and state chief educational officer tended further to decrease interest group participation. There was no state agency to address concerning the competing interests of various citizen groups. The superintendent presented himself as the beneficent representative of all the children; however, until 1968 he was beholden to the wishes of an appointed school Board[4] and the Congress.

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1. Pucinski, op. cit. p. 252.

2. Bailey, op. cit. p. 22.

3. Strayer, op. cit.; Passow, H. Towards Creating a Model Urban School System: A Study of the District of Columbia Public Schools. Columbia University Press, 1970, hereafter cited as the Passow Report; A Possible Reality--A Design for the Attainment of High Academic Achievement for the Students of the Public Elementary and Junior High Schools of the District of Columbia. Prepared by a Task Force drawn from the staff of the Metropolitan Applied Research Center, Inc., 1970, hereafter cited as the Clark Plan.

4. Interviews with community representatives and members of active educational interest groups. See appendix.

Finally, community apathy: The absence of a locally elected government may have been partially responsible for the lack of community participation. Hobson has suggested that the deplorable state of educational affairs alone could not move the community:

> ...the community hasn't rallied. I don't know what is the problem. I don't know how to organize the community. You see, I am not a mystic, and I don't have any facades of religion around which I can make this argument. I just present the facts, and those who go along with them will follow. If I had a collar or a cap and gown, and an aura of mysticism and mystery I think we maybe could pull the community together, but I am inclined to believe, and this belief is based on dealing with many issues, the poverty program, segregation, the segregated private schools, employment downtown here, that the community does not buy these facts...I don't know what it would take to cause this entire community to come together and work on this problem.[1]

When the community did in fact become involved, there was a tendency for the interest to be short-lived. The participants "burned out" after one fight. Apparently, in many instances the time spent in dealing with the educational bureaucracy does not provide the results sought. Thus, many "active" members of interest groups and Education Task Forces are new participants determined to change a system that the last "generation" (life cycles of 2 or 3 years) has abandoned in frustration.[2]

In the remainder of this chapter we will briefly examine the role of interest groups and other forces in dealing with the problems of desegregation and the equitable distribution of resources in the District of Columbia public schools.

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1. Pucinski Report, supra, p. 251.

2. Interviews with community representatives and members of active edcuational interest groups. See appendix.

The Desegration Issue

Encouraged by three significant factors, a definite momentum for desegregation emerged after World War II. First, with government jobs opening up for blacks in the forties,[1] many graduates of the District's schools found themselves ill-equipped to compete with whites.[2] Second, achievement testing both within the school system and by the Army had demonstrated that the test scores of children in black schools were below national norms. Finally, in Washington's political climate the dual system of black and white divisions became an embarrassment in the capital city of a country that had so recently fought, with the assistance of its black population, a war supposedly intended to make the world safe from racism and fascism.

Black parents, distressed at the conditions in their schools, appealed to the Board of Education for permission to send their children to partly empty white schools in their neighborhoods. When the petition was rejected, they filed court actions based on the Congressional acts of the 1870's guaranteeing blacks educational privileges equal to whites. The first suit, Carr v. Corning[3] filed in 1947, requested the transfer of Mr. Carr's daughter from the overcrowded Browne Jr. High School to a nearby under-enrolled white school. A

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1. Washington in the 1940's was virtually a segregated city. President Roosevelt, in 1941, signed an Executive Order on Fair Employment Practices which had some effect in opening up government jobs in Washington.

2. Green, op. cit.

3. Carr v. Corning. 182 F 2d 14 (USCA D.C. Cir. 1950).

second suit Browne Jr. High School PTA v. Mardeburger[1] quickly followed, taking the same stance. The Board of Education responded by creating space in an abandoned building to handle the overflow of students at Browne, so in 1948, the court dismissed the suits and declared the plaintiffs' grievances satisfied in both cases. Because of the great number of inequalities that still existed, the plaintiffs decided to appeal. Again, the suit was based on equalizing the schools rather than eliminating the dual school system.

In response to pressure from local citizens, Congress in 1948 commissioned George Strayer of Columbia University to conduct "a complete survey of the public school system of the District of Columbia with respect to the adequacy of the present plant and personnel, as well as educational methods and practices..."[2]

Although it did not directly recommend desegregation, the Strayer Report pointed to several administrative and personnel problems that were destined to be difficult to cure and imperative to deal with once the District's schools began the process of desegregation. The report clearly documented the problems created by a dual school system that had distributed its resources inequitably for almost one hundred years. Black schools were overcrowded and understaffed, they were lacking kindergartens and other services and were generally housed in inadequate and inferior buildings. The effect of the Strayer Report was significant:

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1. Browne Jr. High School PTA v. Mardeburger. 183 F 2d 14 (USCA D.C. Cir. 1950).

2. Strayer, op. cit.

> ...(it) drove home to formerly oblivious whites many unpaltable facts. The most revealing dealt with the quality of schooling provided at every level in both the white and the colored divisions. The experts found numerous things wrong with the white schools, but the colored, though as good as those in other cities with segregated systems, were so far inferior to the white that the Strayer group recommended for a start allotting to the former three quarters of the entire budget for physical plants...[1]
>
> The matter-of-factness and lack of moralizing of the report added to its impact on white readers. Tax-conscious citizens, moreover, got a new understanding of the monetary costs of supporting a dual system. And the Strayer data verified a central thesis of the National Committee on Segregation, that the separate schools underlay the city's entire social structure.[2]

In 1941 the Roman Catholic parochial schools were desegregated with little objection. The maintenance of separate but equal facilities was becoming increasingly untenable, and although the trial court's decision in Carr v. Corning was affirmed on appeal, Judge Edgerton wrote a dissenting opinion which argued:

> Independently of objective differences between white and colored schooling, school segregation means discrimination against Negroes for two distinct reasons. (1) By preventing a dominant majority and a depressed minority from learning each other's ways, school segregation inflicts a greater economic and social handicap on the minority than on the majority. It aggravates the disadvantages of Negroes and helps to preserve their subordinate status. (2) School segregation is humiliating to Negroes. Courts have sometimes denied that segregation implies inferiority... One might as well say that the whites who apply insulting epithets to Negroes do not consider them inferior... Both whites and Negroes know that enforced segregation in schools exists because the people who impose it consider colored children unfit to associate with white children.[3]

In 1951 another suit, Bolling v Sharpe,[4] was brought against the

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1. Green, op. cit., p. 301.
2. Ibid., p. 302.
3. Carr v. Corning, supra, 32-33.
4. Bolling, op. cit.

District, this time alleging that the current statute providing for separate schools provided no relief for blacks. This case was argued before the Supreme Court as a companion case with Brown v. Board of Education and three other state cases and was decided on the same day, May 17, 1954.

By the early 1950's the move for desegregation had become stronger. In 1951, the Washington Post[1] editorially supported desegregated education. The District School Board, which had a long history of avoiding controversy, was placed in a very uncomfortable position by the pending lawsuits:

> They were living in a "goldfish bowl," wrote one of the staff of the American Firends Service Committee. "Since community opinion was sharply divided, they could take no steps without serious criticism. They were guided by the opinion of the corporation counsel that they were operating under a mandate from Congress to operate such a system." Questions arose in legal circles about the correctness of the Corporation Counsel's interpretation but the Board of Education, like the District commissioner, believed in playing safe: appropriations after all came from the Hill.[2]

The school system, sensing that desegregation was inevitable and that the question was not "if" but "when", began in 1952 to plan for merging the dual system into a unified system. On May 17, 1954 the Supreme Court handed down its momentous decision and scarcely a week later, on May 25th, the Board of Education announced that

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1. Washington Post, 1/2/51. The Star did not support the move for integration.

2. Green, op. cit., p. 304.

desegregated schools would open at the start of the next school year.[1]

The obstacles in the path of a successful transition to desegregated schools were considerable. As Swaim[2] has indicated they included:

1. A history of segregation perpetuating racism and prejudice in the ethos of the community.

2. The suburban building boom encouraging the white flight to the suburbs.

3. The lack of strong leadership in local government characterized by appointed rather than elected government officials.

4. Prejudicial policies by bankers, real estate salemen and the urban renewal agency, which tended to create pockets of intense overcrowding in the District as well as de facto segregated housing patterns.

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1. The Board issued a 5 point policy statement which indicated: a) appointments, transfers, promotions, etc., of personnel would be made on the basis of merit not race, b) "no pupil of the public school shall be favored or discriminated against in any matter or in any manner respecting his or her relationship to the schools by reason of race or color, c) attendance of pupils residing within school boundaries hereafter to be established shall not be permitted at schools located beyond such boundaries except for the most necessitous reasons or for the public convenience, and in no event for reasons related to the racial characteristics of the school within the boundaries in which the pupil resides," d) no records were to be kept by race (this was later reversed because records were needed in order to show compliance with the court order) and e) buildings were to be used without regard to color or race. Reid, Desegregation of the Public Schools of the District of Columbia, M.A. Howard University, 1971

2. Swaim, M.S., Desegregation of the District of Columbia Public Schools, M.A. Howard University, 1971. Swaim comments in the preface that it was her research in this thesis that caused her to be interested in serving on the school board. She was elected in 1968 and served until May 1974, when she resigned to run for the city council.

5. The history of poor quality, overcrowding, and irrelevant curriculum in many of the schools, particularly those in Negro areas.

6. The failure of training programs designed to assist personnel in the transition from segregated to desegregated schooling to reach more than 5% of the target population.

7. The bitter fights prior to the desegregation order over the transfer of buildings from the white to the colored divisions.

8. The posture of Superintendent Corning towards desegregation.

Although Corning was careful in his statements not to offend the black community, there was considerable question about the enthusiasm or lack thereof, with which he approached the task of desegregation. His desegregation plan was considerably weaker than the Board's May 25th policy statement.

On the other hand, there were also factors within the community that made the transition easier, and perhaps accounted for the fact that desegregation was finally achieved with no violence in the community. Civic organizations and some news media had endorsed desegregation and had been widely publicizing its virtues. Thus, when the desegregation ruling ordered by the court was handed down in 1954, the District schools were not caught unaware. They had been expecting desegregation and planning for the inevitable had begun. Hansen, then assistant superintendent for Division I, had prepared a "Handbook on Intergroup Education," which was touted by the civic organizations that were working to change attitudes and pave the way to a smooth transition to desegregation.

In addition, a plan for physically desegregating the two systems had been drawn up in 1954. The Corning Plan, named as it was for the then Superintendent of Schools, called for integrated schooling on the basis of a neighborhood school policy. Geographic boundaries were

traced around each school and the children who lived within those boundaries were required to go to those schools. The plan, adopted by the Board during the summer of 1954, amended the original commitment by allowing students to exercise an "optional feature."[1] This "optional feature" permitted students to remain at the school they had attended in 1953-54 even if that school was not in the geographic boundary in which they lived. Thus, whites who lived in predominantly black residential areas could avoid integrating into a majority black school by remaining at their formerly white school.

In addition to the optional feature arrangement, several other policy decisions of the Board tended to militate against total desegregation. One of these was the creation of "optional zones." Optional zones permitted students to transfer from their own geographic area to under-enrolled schools, all of which were in predominantly white areas. There was no provision for transportation of students wishing to transfer and, thus, only the white and more affluent black students tended to transfer. This policy generally created another "escape" valve for whites.

The Board provided a third loophole for whites wishing to avoid integration -- "psychological stress." This policy allowed children who were "seriously upset" by the prospect of integration to transfer to white schools. Comprehensive professional validation of psychic

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1. Swaim's thesis which uses the minutes of Board meetings as a primary source is invaluable not only for the detail concerning the proposal, but also the positions and personalities of the various Board members who voted on proposals brought before the Board.

distress did not appear to be required; the mere profession of difficulty earned the child a transfer.[1]

As with the earlier desegregation of the Catholic parochial schools, there was remarkably little commotion when the schools opened in the fall. Except for minor disruptions at two high schools that were over after the first few days,[2] the initial desegregation of the schools passed without violence or other negative incidents.

There was, however, another clear reaction to the 1954 Supreme Court ruling, and that was the proverbial "white flight." Prior to the Bolling decision, the white population, especially in the elementary schools, had remained relatively stable. In 1953, 56.0% of the student population was white. In the fall of 1954, when the schools reopened, there were 3,500 fewer whites than in the previous spring -- 2,764 of those leaving were elementary school children. Between 1954 and 1964 the number of white in the school system decreased by 21,000. There was a loss of 16,000 from the elementary schools.[3] By 1965, the white population in the school system had dropped to just a shade over 10%.[4]

White flight, increasing de facto segregation in housing

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1. Green op.cit., reported: "Supposedly, school psychologists were to examine the evidence of psychic damage to every applicant for a transfer, but no case, the head psychologist averred, was ever referred to her or her staff; parental pressure sufficed to effect the move (Emphasis added)." p. 330.

2. Reid, op. cit., Swaim, op. cit.

3. Marvin Cline testimony, Pucinski Report, supra, p. 322.

4. Official student enrollment records from D.C. public schools as cited by Cline (Pucinski Report, p. 322).

patterns, and the open enrollment policy tended to reduce the amount of desegregation, especially for poor black children, that actually occurred. Ten years after integration was begun, 13 elementary school buildings were 90-100% white; 126 were 90-100% black; and 39 were integrated. Thus, of the 185 elementary buildings open in 1964, 75% were virtually segregated.[1]

Staff Desegregation

Desegregation of faculty was considerably more gradual than that of the students. The Board had adopted a policy on teacher transfers that assured that: 1. teacher assignments and transfers would be made on merit not race and 2. any relocation of teaching staff would be pursuant to the usual Board policies governing teacher transfers.[2] This decision, in effect, severely limited the extent to which desegregation of faculty could be achieved by moving teachers.

The initial assignment of elementary teachers was almost solely within the purview of the Department of Elementary Instruction. Principals could recruit in their own area, but generally the Department made the decision concerning particular teacher assignments. Because as late as 1967 no black principal had been assigned to a predominantly white school, it was unlikely that faculty integration would be hastened through principal recruitment.

The personnel procedures followed as late as 1967 may also help to explain why no black principal had ever been assigned to a

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1. Official school data submitted to Pucinski Committee, Pucinski Report, supra, p. 9.

2. May 25, 1954 School Board Meeting.

predominantly white elementary school. A principal vacancy was advertised, and people applied. As Judge Wright noted in his decision, a credentialing committee examined the candidates' "credentials, experience, this, that and the other thing,"[1] and made recommendations to the Board. Once a person was approved for a principalship by the Board, the Department of Elementary Instruction made the assignment. That such procedures for teacher assignment limited staff desegregation can be attested to in the figures on teacher and principal placement that Hobson presented to the court in his 1967 suit against the school system.

At the administrative and supervisory level, desegregation did not fare much better. Hobson, for example, testified before the Pucinski subcommittee in 1965 that in some ways things were better before the 1954 decision. In 1965 all eight of the assistant superintendents for curriculum were white whereas under segregation, blacks in Division II held policymaking positions regarding the curriculum presented to black children.[2]

With the desegregation of schools, some of the effects of 100 years of neglect of the education of black children became evident. One such effect, the academic performance of black children, became a critical issue.

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1. Hobson I, p. 430. Citing a witness (from Tr. 2966). The policy of essentially unspecified criteria for promotion to advanced positions, plus the policy of advertising available positions only within the District, had led by the late fifties and early sixties to a school system with considerable in-breeding. Many of the blacks in supervisory positions were related to others in those positions or to families of blacks powerful in other D.C. governmental affairs. For advancement of whites in "the old days" it was felt one had to "come through" the white Anacostia schools.

2. With desegregation, Black History which had been taught in Division II was eliminated from the curriculum.

Tracking

Carl Hansen, who became Superintendent of Schools in 1957, proposed a solution, known as "tracking," to deal with the differences in educational attainment and experience of the children in the D.C. schools. Tracking was first introduced in 1955-56 into the high schools, but it quickly filtered down to the elementary schools, where ultimately children might be locked into tracks as early as the first grade. While on paper the tracking system appealed to the educational theory of dealing with individual differences, in practice it tended to segregate students within the same building into four educational tracks. Although theoretically children could move from one track to a higher track, in practice virtually everyone remained in his original classification. For example, data presented to the Pucinski subcommittee indicated that in 1962 only 3 percent of the District's pupils had moved from their original assignments. As late as 1965, after criticism of tracking rigidity had forced the superintendent to make modifications, only a shade more than 6 percent changed tracks.

When first introduced tracking met little resistance from the black community. There was general agreement that the schools must do something to deal with the wide divergences in experiences and cultural backgrounds of pupils. But in addition to the rigidity of assignments, abuses which seemed to be inherent in the District's tracking procedures became known, and considerable opposition to the plan was raised in the community. Such alleged abuses included the apparent assignment of pupils to tracks for reasons other than

ability; testing procedures that used irrelevant and invalid instruments; curriculum in the lower tracks that limited children to "blue collar" jobs; the availability of honors tracks only in certain schools; and the stigmatization of pupils according to their placement.[1] In addition, as a direct result of investigations into the manner in which the District schools managed tracking, information about the unequal distribution of resources to schools serving predominantly poor black pupils was uncovered.

In 1964 the Urban League presented a report to the Board of Education in which the educational problems in the District were analyzed and recommendations made about dealing with those problems. The League recommended among other things the creation of educational parks, pairing of schools, the involuntary transfer of students from overcrowded inner city schools to the underutilized predominantly white schools, and the changing of attendance zone boundaries. Moreover, the League cautioned the Board that a "color blind" school policy was not sufficient but rather the Board had the duty to consider racial issues in its policy decisions to insure against discrimination. Finally, the report recommended the establishment of a permanent Advisory Council on Integration that would be empowered "to collect all pertinent data and evaluate current and future conditions in the light of this objective -- integration."[2] The Board did not act upon any of the League's recommendations.

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1. Testimony before the Pucinski Committee presents a considerable range of the criticism against the Tracking System.

2. For further information on concepts see Board minutes, 6/23/64, reprinted Pucinski op. cit., p. 837.

Objections to tracking were growing. By the mid 1960's in the Pucinski hearings on poverty in Washington, there was considerable testimony from a broad spectrum of the Washington community opposing the District's tracking policies.[1] The Committee's hearings provided a convenient vehicle through which once again criticism could be focused on the District's schools, programs, and leadership. In effect, public attitudes towards the District had come full circle in the ten years since 1954. Following the Bolling decision, the District's white school administrators had been painted by the liberal national press and educational establishment as courageous men moving quickly to desegregate the schools and create a "model for the nation." By 1964 the vision that was emerging was that of a school system in need of fresh leadership.

Superintendent Hansen, who had built a national reputation on the basis of his leadership and policies in the District, and whose books and writings received wide circulation in the education community, was hard pressed to defend his policies. But by limiting access to information about educational programs, to the Board as well as the community, and by issuing reports extolling the success of his policies, Hansen had masked the reality of his difficulties. On the one hand,

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ability; testing procedures that used irrelevant and invalid instruments; curriculum in the lower tracks that limited children to "blue collar" jobs; the availability of honors tracks only in certain schools; and the stigmatization of pupils according to their placement.[1] In addition, as a direct result of investigations into the manner in which the District schools managed tracking, information about the unequal distribution of resources to schools serving predominantly poor black pupils was uncovered.

In 1964 the Urban League presented a report to the Board of Education in which the educational problems in the District were analyzed and recommendations made about dealing with those problems. The League recommended among other things the creation of educational parks, pairing of schools, the involuntary transfer of students from overcrowded inner city schools to the underutilized predominantly white schools, and the changing of attendance zone boundaries. Moreover, the League cautioned the Board that a "color blind" school policy was not sufficient, but rather the Board had the duty to consider racial issues in its policy decisions to insure against discrimination. Finally, the report recommended the establishment of a permanent Advisory Council on Integration that would be empowered "to collect all pertinent data and evaluate current and future conditions in the light of this objective -- integration."[2] The Board did not act upon any of the League's recommendations.

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the Superintendent claimed the massive problems as justification for the tracking system; on the other, he issued reports concluding that tracking was admirably meeting needs (implying that no massive problems existed). Although by 1965 he did acknowledge some difficulties with tracking -- the lack of suitable testing procedures for assigning pupils and the locking of pupils into tracks once they were assigned -- his critics claimed that he never would admit the discriminatory characteristics of tracking or the inequitable distribution of school resources.[1] This situation set the stage for litigation.

Summary

For 100 years following the Civil War, the District did not provide comparable resources to the black children in its schools. Educational issues were typically played out in black versus white terms. Finally, although Hobson was an activist and was impatient with the litigation approach taken by the civil rights organizations, the courts had historically been a prime force in setting or resolving educational policy questions, and once again those who had been so frustrated by appeals to Congress, the Board of Education and the school administration turned to the courts.

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1. Pucinski Report, supra, (pp. 255-257, pp. 633-635).

CHAPTER III

EVENTS ON THE ROAD TO EQUALIZATION

After almost 11 years of unequal schools and 12 years following the Supreme Court's desegregation decisions in Brown and Bolling, the stage was set for the next round of legal battles designed to both define and implement equality of opportunity in the District's schools. The setting was clear: an unresponsive bureaucracy; a sense of apathy, complacency, or defeatism in the community; an immobile or ineffective Congress; and a black school district serving a largely black stateless city. And the principal actors were in place: Superintendent Hansen, with his committment to tracking;Julius Hobson, the determined loner out to "turn around" the system; and Federal Judge J. Skelly Wright, who over the next 7 years determined the ground rules by which a 130,000 pupil school district would be managed.

This chapter reviews the events from 1966, just prior to Judge Wright's first Hobson opinion, through June of 1971 when the Board of Education was faced with the task of implementing the equalization decree. We describe the activities -- the arguments, responses, roles of interest groups -- as well as the outcomes of the 1967 decision that led Julius Hobson to return to court in 1970.

Hobson I: The Elimination of Tracking

Frustrated by his inability to change the Board of Education policy through information, reason, public pressure, or Congressional intervention, Julius Hobson turned to the Federal courts. In 1966 Hobson sued the Board of Education and the Superintendent of Schools of the District of Columbia,

claiming that they were discriminating against poor and black children and were denying those children an equal educational opportunity. Hobson cited as evidence of discrimination the Board's policies especially those concerning the allocation of resources, the assignment of personnel, the use of optional zones and the tracking of pupils.

Whereas the Board in 1954 had, in response to Bolling moved forcefully and directly to abandon the de jure segregation by eliminating Divisions I and II, in 1966 the District contended that the rights of poor and black children were not violated because Board policies had no deliberate intent to discriminate. Rather, the Board argued, the problems brought before the court stemmed from the legacy of a segregated social system, not from deliberate District action. In rejecting the argument the court noted:

> The arbitrary quality of thoughtlessness can be as disastrous and unfair to private rights and the public interest as the perversity of a willful scheme.[1]

Judge Wright ruled against the school system, focusing on issues of both de jure and de facto segregation. In finding discrimination in the disbursement of regular budget funds[2] to predominantly poor and black schools, the court held such disbursements to be in violation of the constitutional equal protection requirements of the Fifth Amendment.

> If whites and Negroes or rich and poor are to be consigned to separate schools in the District of Columbia, pursuant to whatever policy, the minimum the Constitution will require

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1. Hobson I, p. 497.

2. See Chapter V, p. 88 for explanation of "regular funds."

> and guarantee is that for their objectively measurable aspect the schools should be run on a basis of a real equality, at least unless any inequalities are adequately justified.[1]

But the court did not move directly to correct these inequalities in the allocation of school resources. Rather, it assumed that other remedies would suffice: integration of faculty, busing for relief of overcrowding and elimination of the optional attendance zones could be expected to reduce the unequal disbursement of funds.

> The teacher inequalities need no direct rectification at this time...the school system will soon be integrating its faculties. Compliance with this provision will necessarily encompass the reassignment of a number of white teachers currently serving at predominantly white schools. Since in general these are the best educated, longest-experienced and highest salaried teachers in the system, integration will also serve as a vehicle for equalizing the faculty.[2]

And,

> The remedy to be provided against the discriminatory policy of the defendants' school administration must center primarily on pupil assignment, teacher assignment and the track system. The overcrowding in the Negro schools results from pupil assignment and the differences in the per pupil expenditure results in the main from the assignment of the more highly paid teachers to the predominantly white schools. Consequently, corrective measures designed to reduce pupil and teacher racial segregation should also reduce overcrowding in the Negro schools as well as the pupil expenditure differential favoring the white children.[3]

On the basis of the data presented by Hobson concerning the segregation of black and white faculties, the expenditure system, and the loopholes operating within the neighborhood school desegregation plan, Judge Wright ordered the Board of Education to:

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1. Hobson I at 496.
2. Ibid, at 499.
3. Ibid, at 515.

1. cease operating the Track System,

2. eliminate optional zones,

3. provde transportation of volunteering students from over-crowded schools in Anacostia, to under-utilized schools West of the Park[1],

4. integrate faculties on a "color conscious" basis,

5. prepare a plan that would assist in the elimination of racial and economic discrimination in the schools,

6. file a compliance report in October of every year indicating adherence to the decree.

In assessing the events that led from the 1954 policy statement clearly committing the system to desegregation, to another courtroom fight in 1967, alleging continued discrimination against black children, several factors became clear. First, throughout that 13 year period there was a vacuum of effective leadership, both at the Board level and at the superintendent level, clearly and unequivocally in support of desegregated education.

Second, there was the apparent belief of the Board and the Superintendent, subsequently reflected in their policies and ultimately in their legal defense of Hobson, that de jure segregation was illegal but efforts toward maintaining racially integrated classrooms were not mandatory.[2] This policy and the staff assignment procedures which were claimed to be "color blind " effectively avoided desegregation of faculties. In addition, as Swaim pointed out, Corning's neighborhood school plan "with its emphasis on geographic boundaries...made it clear to all knowledgeable parties that desegregation in fact, could only take place in mixed neigh-

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1. West of the Park was the white affluent residential area of Washington. It was over 95% white and its schools were virtually all white.

2. See Swaim, op cit, data from Board members, and administrators concerning their response to a questionaire on integration of the D.C. schools.

borhoods even though the entire system was legally desegregated."[3] Since these mixed neighborhoods were rapidly changing, resegregation for the most part was inevitable.[2]

And finally, the weakness of the Board : an example of that weakness is reflected by the statement of Board member, Dr. Mordecai Johnson, President of Howard University. At the April 28, 1965 Board meeting, after complaining repeatedly about the lack of information forthcoming from the superintendent's office Dr. Johnson said:

> ...I would say that two or three more of the most important transactions that will govern the trustworthiness of this system are now being done with the cards under the table. The selection of teachers is not done upon the basis of policy approved by the Board. It is done under the table. The determination of how money shall go to this school or that school or whether the 100 pupils in this basic track school are getting extra teachers or what-not ---...The Board has nothing to say. That is done under the table.[3]

The Board was not only weak but also unrepresentative of the community. The Board tended to be conservative in nature. Members were chosen by the District Court judges, and consisted mainly of doctors, lawyers, prosperous merchants, and middle class housewives. In addition, Green reported there was a policy that Board members not be controversial:

> Anyone who was vaguely controversial, that is questioned, school policy, was not reapponted.[4]

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1. Ibid, p. 29.

2. Green, op cit, p. 330.

3. Board Minutes, April 28, 1965.

4. Green, op. cit, p. 304. Because of this policy, Hobson and others had been campaigning for an elected school board. When asked for his opinion about electing Board members Hobson said: "I think an elected school board would be certainly better than an appointed school board. (With an appointed board)...no one gets apponted unless he is non-controversial. This is a controversial problem, the problem of educating our children,

The District's Response to the 1967 Hobson Decree

Superintendent Hansen wanted to appeal the decision which he felt was an affront to his superintendency. However, the school board rejected recommendations for appeal. Instead it voted not to appeal the Hobson I decision and in addition, directed Superintendent Hansen, as an employee of the Board of Education, not to appeal. During the extensive debate, Board members Rosenfield and Smuck supported the Superintendent, and following the Board motion ordering Hansen not to appeal, Smuck individually appealed the decision.[1] Subsequently, Hansen resigned after ten years as superintendent.

Thus, when the school system was charged with complying with Judge Wright's order, the superintendent had resigned, and the appointed school board was destined to become a lame duck one with passage of the pending District of Columbia School Board Election Bill.[2]

The task of implementing the Hobson decision then was the responsibility of Acting Superintendent Benjamin J. Henley, the first, if only briefly, black head of the District schools. As in response to the 1954 court order,

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a vital problem; we need controversy, and discussion, and if you go get a man who is mild mannered and soft speaking and going to always agree, you are going to end up with the kind of educational system which these charts and evidence which Mr. Hansen gave there demonstrates." Pucinski, op cit, p. 248.

1. Smuck appealed and lost. Smuck v. Hobson 408 F. ed, 75 (1969). However, a dissenting opinion supporting his appeal, and essentially saying the court had no jurisdiction in this case, was written by the now Chief Justice of the U.S. Supreme Court, Warren Burger.

2. District of Columbia Board of Education Act 90-992 April 22, 1968. Several legistative proposals to give DC an elected school board had been introduced in 1967.

the Board issued a policy statement which affirmed the Board's commitment to "explore every possibility...in which the association of children across ethnic, economic, or cultural lines may take place."[3] The Board directed Henley to prepare the preliminary plans for implementing the Hobson decision. Those plans were to include:

1. a substitute structure for the track system
2. a long range pupil assignment plan
3. a plan for transporting volunteering students to underpopulated schools
4. plans for future design and location of new schools
5. plans for comprehensive compensatory education
6. plans for the establishment of new zones to replace optional zones
7. a plan for teacher integration.

Benjamin Henley had come up through the system, first as a teacher, then as a principal and administrator. Known for his abilities to effect compromise, he was more the peace-maker than the advocate. Henley established several committees to analyze the major areas of concern. Fortuitously, the Passow Report[2] had been completed the day after the 1967 Hobson I decision

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1. Mrs Allen, newly apponted member of the school board, was the author of the statement. She was subsequently to wrangle with Hobson when they served together on the elcted school board.

2. Due to community concern about education in the District, and to questions raised by the Pucinski Hearings (1965) on the D.C. schools, the school board commissioned Dr. H. Passow, Professor of Education at Columbia Teachers College to make a comprehensive study of the District schools. On May 26, 1967 that report, Toward Creating a Model Urban School System: A Study of D.C. Public Schools, was completed.

and contained many recommendations that were enbodied in the court order. Faced with the unprecendented decree and severe time constraints, Henley also sought assistance from Passow and other educators.

In order to comply with the court directives, Henley and his staff developed a program that 1. substituted "individualized instruction" for the track system, 2. provided busing to students in southeast who wished to transfer from their crowded schools to underutilized classrooms West of the Park and 3. created new zones to achieve maximum integration of the school system. Although "optional zones" were abolished, there was a request to the court that children who would have entered their last year of elementary, junior high, or high school at their "optional zone school," be allowed to graduate from that school. The court agreed. However, the effect of subsequent administrative decisions resulted in a policy reminiscent of the Corning Plan. That policy allowed all the children and their sibilings who were out of their zones during the 1966-1967 school year, to continue at that school until graduation. In order to promote faculty integration, color conscious assignment of new teachers to schools West of the Park schools were to take place.

The Involvement of the Union and the Council of School Officers

The Washington Teachers' Union[1] had filed a brief in support of the Hobson position. They questioned the District's policies concerning tracking, the neighborhood school concept, and the teacher assignment procedures.

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1. The Washington Teachers Union became the official bargaining agent for the teachers following an election in April 1967, one month prior to Judge Wright's ruling.

Their amicus curiae brief supported Hobson's contention that the track system violated the mandate of the Bolling decision and was, therefore, unconstitutional. In dismissing the Board of Education's assertion that tracking was justified by test scores, the union reiterated the Supreme Court's position that segregated facilities -- for whatever reason -- are inherently inferior:

> The tracking system as applied in the present case has not resulted in the restoration of plaintiffs' constitutional rights to equal educational opportunity, for it has denied most Negro children the opportunity to attend school with white children and, in fact, may be a greater infringement of constitutional rights for it gives the appearance of compliance while subtly perpetrating actual segregation.[1]

In addition, the union brief questioned the District's operation of the "neighborhood school" policy. Referring to Dowell v. Board of Education, in which the neighborhood school system "was successfully challenged on constitutional grounds which operated in such a way as to discriminate against students because of their race or color," the union suggested that the burden of proof was on the Board to demonstrate that the policy was not a subterfuge for segregation. Judge Wright upheld the District's neighborhood zones.[2]

The Council of School Officers, unlike the Washington Teachers' Union, did not become actively involved in the events preceding or following the 1967 Hobson decision. They were more allied with Hansen. The Council was not opposed to the track system.

They did admit, however, that certain principals were, in fact, abusing the procedure. The problem with tracking in the view of a former head of the

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1. Brief of American Federation of Teachers as Amicus Curiae.

2. Hobson I, 418-419. The Judge had ruled that the original intent of the policy was not segregatory and therefore it was the plaintiffs' responsibility to prove it was discriminatory.

Council was that it "depended upon the school officer." Some used it in a punitive fashion by assigning many children to lower tracks. The Council would have preferred a more "abuse free" teaching system -- a better implemented and monitored tracking system. They were, however, not in favor of its abolition.[1]

Nonetheless, when the 1967 Hobson I decision was handed down, the Council advised its members to assist the central administration and teachers in fulfilling the integration mandate of the court. Principals were urged to conduct in-service training of teachers to ensure an orderly transition and maximum educational output.

Implementation

The Board and the acting superintendent, shared Judge Wright's assumptions that complying with his decree would in itself take care of the unequal resource allocations. Dr. Henley felt that the unequal per pupil expenditures were largely due to overcrowding of southeast schools and the underutilization of West of the Park schools. Thus, like Judge Wright, Henley reasoned that busing, elimination of optional zones and new boundaries would probably take care of the per pupil expenditure differences.

Although the system took positive steps to comply with the court order, several problems arose during the implementation. First was the busing issue. Congressional prohibition against the use of District regular budget funds for busing conflicted with the court directive to facilitate integration through busing. Since Judge Wright had ordered the busing primarily "to

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1. Personal interview, with former CSO official.

relieve overcrowding" rather than "to achieve integration," Impact Aid funds which were not under the control of the District of Columbia Sub-Committee of the House Appropriations Committee were used rather than District of Columbia funds to supply transportation, despite the objections of Southern Senators such as Robert C. Byrd of West Virginia.

When schools opened in September 1967, 446 pupils were bused from 3 overcrowded Anacostia elementary schools, to 9 schools West of the Park,[1] Approximately 470 secondary students were bused from Anacostia to junior and senior high schools West of the Park. Over the years busing was reduced as the building of new facilities in Anacostia relieved overcrowding there, and to a lesser extent because of dissatisfaction with the schools West of the Park. Some parents felt that schools West of the Park were not all they had been publicized to be; some disliked the inconvenience of getting up earlier in the morning; and others missed some of the programs in Anacostia, such as the breakfast and free lunch program.[2]

The students to be bused were supposed to be volunteers. Interviews with several principals and teachers in schools West of the Park leave the the impression that they thought that some of the principals in Anacostia took advantage of the busing order and managed to have their biggest problem children "shipped westward." Another conflicting impression regarding the bused-in students was that many of them were the children of upwardly mobile parents who were more involved with education and more concerned

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1. The overcrowding was greater, but only 446 spaces were available.

2. Sims, R., op cit., Sims interviewed parents in Anacostia concerning their experiences with the busing that resulted from Hobson I.

than most parents about the kind of education their children were getting.[1]

Another problem that the school system encountered was that of lack of training and preparation of teachers to handle the children who were placed in their classrooms from the basic track. As the court had noted, these children, many of whom had been improperly placed, had been receiving a significantly different curriculum from the children in the general tracks, and indeed, in many instances they were not prepared for the classroom activities they confronted. Due to time and money constraints (the May court decree ordered compliance by the following October) there was a lack of teacher training and curriculum revision to allow teachers to work successfully with their new heterogeneous classes. Centers were set up around the city, staffed by D.C. Teachers College, to assist teachers with problems they were encountering. However, it was up to the teachers to get to these centers and receive the technical assistance they needed.

The teachers were not alone in their complaints about their inadequate preparation to deal with "individual needs." Parents too, especially of children formerly in the basic track, complained about the lack of attention and instruction their children were receiving in their new classroom settings.[2] The result was the creation in 1967 of the MIND program (Meeting Individual Needs Daily) where teachers worked part-time with individual

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1. Personal interviews of teachers and principals by SURC staff expand remethodology; one teacher who taught bused children in schools West of the Park in the late 60's and then moved to Anacostia as a result of Hobson II commented that the children who had been bused to Georgetown were easier to teach than those she encountered in Anacostia.

2. Interview with Dr. B. Henley.

children who were having considerable difficulties. The children, however, remained for most of the day in regular clasroom settings.

The court-ordered boundary changes for junior high schools were delayed a year while the school system gathered the necessary data on the socio-economic status and racial districution of the students so that a plan could be developed that maximized both race and class mixing.

One of the predictions of opponents of the 1967 Hobson decision was that it would cause massive white flight. Generally speaking this did not happen. There was some movement: Jackson Elementary School in Georgetown which in Spring of 1967 was predominantly white, opened in the Fall with a virtually all black, bused-in student population. With subsequent changes in boundaries, many of the white students who were transferred from Deal to Gordon Jr. High School left the school system. This time it was at the junior and senior high schools rather than at the elementary schools where the brunt of the white exodus took place. However, as Table III-1 indicates, the white enrollment shift from 1965 to 1973 showed a steady trickle rather than a significant decline after both of the Hobson v. Hansen decisions.

TABLE III - 1

ENROLLMENT IN ELEMENTARY SCHOOLS IN D.C. 1965 - 1973*

	1965	1966	1967	1968	1969	1970	1971	1972	1973
White	8,153	7,201	6,692	5,629	5,120	4,721	4,210	3,976	3,801
Black	81,093	84,106	87,575	87,643	87,064	85,712	82,598	79,131	73,273
Total	89,246	91,307	94,267	93.272	92,184	90,433	86,808	83,107	77,074
% Black	91	92	93	94	94	95	95	95	95

Source: From pupil membership in regular day schools reports which indicate official enrollment in schools in the Fall.

Appointment of a New Superintendent

At the same time that the Acting Superintendent Henley was responsible for implementing the Hobson decision, the school board was charged with finding a new superintendent. Mrs. Allen was appointed Chairman of the Search Committee. The committee hoped to get a prominent educator to fill Hansen's position.

Some outside funds were secured to support the process of board members going around the country to interview prospective candidates. After much interviewing and many private meetings, the Board approved the committee's nominee, William Manning, former superintendent of East Lansing, Michigan. Julius Hobson and Dr. Euphemia Haynes, another Board member, brought suit to prevent Manning's taking the position. Among other things the suit charged that the process of selecting Manning had been illegal because outside consultants had been used, the selection committee was an illegal delegation, the Chairman of the Board had not been properly notified of meetings, there had been closed meetings and secret ballots, and finally that Mrs. Allen's position on the Board was illegal because it was a conflict of interest with her government job.[1] The suit was dismissed.

An Elected Board of Education

In 1968 Congress passed legislation calling for election of school board members for the District of Columbia. In the Fall of 1968 elections were held, and Hobson who ran at large, became the first elected official in the District of Columbia since 1878. Run-offs were necessary for the

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1. Mrs. Allen was employed at HEW in the Compensatory Education Division of the Office of Education.

other seats. Sessions, Rosenfield, and Allen, all previously on the appointed board, were members of the newly elected board. Although in principle Allen and Hobson agreed, in tactics and temperament they found themselves at odds. Their first confrontation concerned the election of a Board President: Hobson and Allen were both candidates. A compromise was effected, and James Coates was selected as chairman. Hobson's activities on the Board focused on implementing the Hobson decree. Although Mrs Allen had been one of the members favoring the Board's decision not to appeal, and although she supported the basic thrust of the decree, Hobson's agenda for the school board and her own came into open conflict. The dispute over the selection of the superintendent appears to have carried over into these later issues.

Utilizing his Board position as a means of implementing the Wright decree, Hobson demanded numerous reports on the school system's operation during his one year tenure.[1] He asked for surveys concerning the equipment, text books, curriculum and special projects in each school. His surveys further pointed out the inequities of the distribution of resources in the schools. He made some headway in getting a better distribution of books and services around the elementary schools. Hobson noted the existing inequities and the continued disparity in pupil expenditures in various areas of the city and demanded a plan from the Superintendent that would deal with these difficulties. A plan from Manning's office was never presented and Hobson indicated his frustration with the situation in a memorandum to the Board:

> This school administration has had since June 1967 to implement this decree. We do not hold the Superintendent responsible for

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1. The first eleven member board members to be elected drew lots to determine who would serve three years and who would serve for one year so that not all members stood for re-election at the same time. Hobson drew a one year term.

> decisions which occurred prior to his contract; however, Mr. Manning has had more than one year to outline a decisive course of action and has failed to do so. I, therefore, feel that this administration should not be given another year to continue its inertia, ignorance, and indifference in this matter.[1]

As in 1966, Hobson was unable to get the school system moving, and once again, in July of 1969, in frustration he turned to the court to seek enforcement of the decree.

Manning's performance continued to be unsatisfactory to the Board and in August of 1969 the remainder of his contract was bought out by the Board and he was relieved of his duties. Once again Dr. Henley was named Acting Superintendent of Schools.

In November of 1969, Hobson ran again for the Board, but this time from Ward 2 rather than as an at-large candidate. In his first election, he had been elected overwhelmingly by a broad spectrum of the community, but he had not carried his home ward, Ward 2. In 1969, running in that ward, he was defeated.

When the new Board took office, Mrs. Allen was elected president. The search for a new superintendent was underway. Mrs. Allen was very concerned about continued low test scores of black children in the schools, and believed it was now particularly important that, with a majority black Board of Education, some policies be adopted that would rectify this worsening situation. She arranged for the Board to contract with Dr. Kenneth B. Clark, Director of the Metropolitan Applied Research Center, Inc., to

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1. February 2, 1969 Memorandum to the Board.

develop a plan to assist the Washington schools in improving reading and mathematics achievement.

The Clark Plan

The Academic Achievement Plan (or as it was sometimes called, the Clark Plan) was unveiled in the Spring of 1970. It was a "plan" similar to the one that the New York City system had already rejected. It called for academic excellence, insisted that everybody could learn, suggested no groupings, and instead urged that children within grades be randomly assigned; and finally, called for extensive concentration on improving reading and mathematics skills. The most controversial aspect of the plan was that it proposed that teachers be paid according to the performance of the children they taught. The Teachers Union objected strenuously to this particular proposal. There was also objection to the plan's adoption without community or teacher input. Despite the controversy, Mrs. Allen was most concerned that the superintendent chosen be committed to creating administrative procedures for implementing the Clark Plan. She interviewed all the front running candidates, including Hugh Scott, a leading contender for the superintendency. At the last moment she tried to stop his nomination through telephone calls and private meetings with other Board members, but news of her activities leaked out.[1] The Board, not wishing to appear dominated by Mrs. Allen, especially in light of her role in selecting Manning, voted to

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1. Mrs. Allen had called several board members to discuss the information that she had gathered on Scott. This was reported in a story in the Washington Post, 1970.

appoint Scott, who had by this time overtly committed himself to the Clark Plan. Only Mrs. Allen voted against him. The Washington School System now had a strong-willed President of the Board of Education and a Superintendent who was not her choice. There were to be many disputes between them as to what was being done to implement the Clark Plan. Mrs. Allen had assumed the previous posture of Hobson on the Board. Whereas he had pushed for implementation of the 1967 court decree, she now pushed the implementation of the Clark Plan.

Hobson Returns to the Courts

While Mrs. Allen, as a professional educator, had her agenda for assisting the school system through some educationally recognized policy plans, Hobson as an activist and an economist had a different strategy. On May 19th, 1970, ten months after he had filed a request for the court to enforce the 1967 decree Hobson filed a new motion with the court. The motion claimed continued resource discrimination between black and poor schools on the one hand, and white and affluent ones on the other. He requested that all regular budget expenditures for elementary schools be equalized within $\pm$ 5% of the mean expenditures in all elementary schools, excluding special education programs for the handicapped. Hobson included a number of charts and other data to indicate that the schools were currently distributing their resources unequally. Hobson made it clear that his amended motion was not merely a request for enforcement of the 1967 decree, but rather that the thrust of his pleading had moved from an issue of integration, which that decree had focused on, to a matter of equalization of resources, which in 1967 had been a somewhat secondary issue:

> Hobson v. Hansen is thus on the leading edge of a transition, a subtle but major tactical shift among blacks nationwide in their right for a fair share. Its own history reflects this transition.[1]

In July the Corporation Counsel countered by moving to vacate the 1967 decree. The defendants felt that the new Hobson proposal had:

> ...a large probability of doing nothing to improve the situation; a smaller but still significant probability of making the situation worse; and only a very small probability of improving the situation. On balance, prudence would appear to dictate a more selective approach.[2]

The Board was named as defendant; however, three members (Charles Cassell, Martha Swaim, and Bardyl Tirana) supported Hobson's motion and disassociated themselves from the Corporation Counsel's filing. They claimed never to have seen the documents filed on their behalf.

In September 1970 Judge Wright ruled that:

> The best data now available to this court indicates that there is still a substantial differential in per pupil expenditures which favors elementary schools West of the Park and that a prima facie case of violation of the 1967 decree seems to have been made out.[3]

He issued a "show cause" order to the defendants asking:

> Why the School Board should not devise a plan to equalize within ± 5% variation, expenditures for teaching cost ... among all District of Columbia schools.[4]

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1. Washington Post, 2/21/71.
2. Washington Post, 2/21/71
3. Hobson II, September 1, 1970, memorandum and opinion of the court.
4. Ibid. The judge restricted his show cause order to classroom and special subject teachers because they comprised 85% of a school's expenditure, and they were not as easily influenced by school size.

Scott thought that such an order could not be imposed successfully on the school system, and that the school system should come up with a better alternative. However, he never offered one to the court and instead the Corporation Counsel contiued to argue the case by denying there was, in fact, a prima facie case to be made for discrimination. Their defense was essentially as follows:

1. There is no pattern of expenditure across the city -- expenditures are "completely random."

2. Those schools West of the Park with high expenditures have many black children attending them due to the busing arrangements.

3. With equalization, many blacks in higher spending areas would suffer.

4. Per pupil expenditure is a poor measure of equal educational opportunity.

5. There is not necessarily a relationship between quality teaching and salary.[1]

6. The District has no pattern of teacher assignment that relates experience of teachers to income level of students.

7. Inequalities could be accounted for by economies and diseconomies of scale.

8. Any equalization order is an artificial remedy that would eventually hinder experimentation and implementation of the Clark Plan.

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1. Although the defendants argued in court that experience and degrees did not appear to be related to teaching performance and staff effectiveness (discounting longevity factors in examining resource distribution), they had argued on Capitol Hill that more money was essential to attract better educated and more experienced teachers. The judge subsequently included longevity in his final decree, holding that the school system could not argue for more money on the basis of the need for additional experience and then reject spending the money on the basis of the irrelevance of experience.

In the subsequent court filings, both sides made considerable use of social science data, particularly of statistical analysis of school data. Hobson was assisted by Stephen Michelson and his associates at the Harvard Graduate School of Education. The defendants were assisted by two social scientists from the Brookings Institution, Dave O'Neill and Louis Hurwitz.[1]

The Decision

As with other court cases involving the D.C. schools, the question of what the "real" data was, and what it "really" meant was a central issue. A set of data, provided by the school system, was finally agreed upon by both the palintiffs and the defendants, in making their various statistical interpretations. The judge commented on the use of social science jargon, and statistical analyses presented in the case:

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1. The use of social scientists in this case is interesting to note. The judge was distressed with their performance, and complained that after sitting for 19 months and listening to the "expert" witnesses he was so confused by their jargon and their elaborate statistical manipulations that he was compelled to make the judgment on the basis of "simple arithmetic and morality." Hobson who had the assistance of the Harvard Center for Educational Policy Research also appeared somewhat unhappy about the clarity of social scientists' work in the case. In a subsequent newspaper interview, Washington Post, 1972, he referred to the statistical work of Michelson et al as "gobbledygook". How the defendants acquired their consultants perhaps reflects the seriousness with which they viewed social science contributions to the court case. When a news story appeared in the Washington Post about the judge's "show cause" motion concerning equalization, two women wrote an "op ed" piece which appeared in the Post and presented an argument about unequal distribution being the result of "economies and diseconomies " of scale. The defendants, who were late in submitting their response to the judge, submitted the Post article as their defense. They subsequently hired the husband of one of the "op ed" writers (Dave O'Neill) and another Brookings social scientist to prepare a more elaborate brief using the "economies or diseconomies of scale" as their defense.

> The unfortunate if inevitable tendency (in this debate)...is to lose sight of the disadvantaged young students on whose behalf the suit was brought in an overgrown garden of numbers and charts and jargon like "standard deviation of the variable, statistically significant and Pearson product moment correlations." The reports by the experts... are less helpful than they might have been for the simple reason that they do not begin from a common data base, disagree over crucial statistical assumptions, and reach different conclusions... the lawyers in this case had a basic responsibility which they have not completely met, to put the hard core statistical demonstrations into language which serious and concerned laymen could, with effort understand.[1]

On May 25, 1971 Judge Wright ruled in favor of the plaintiffs. His court order reflected some of his frustrations with the inadequacy of previous school evaluations and record keeping.[2] The provisions of the court order were as follows:

I. A. By October 1, 1971, per pupil expenditures for all teachers' salaries and benefits from the regular D.C. budget in any single elementary school shall not deviate more than plus and minus five percent from the mean of all elementary schools.

B. Schools may deviate more than five percent only with adequate justification presented to the court. Such justification shall include:

1. Provisions for compensatory education for educationally deprived children.

2. Special education services for the physically or mentally handicapped or other "exceptional" children.

3. Deviation that is accounted for solely on the basis of economies and diseconomies of scale.

C. Computation of expenditures per school shall be based on classroom teachers and special subject teachers and total average daily membership.

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1. Hobson II at 859.

2. The judge was most distressed with the defendants' lack of interest in determining what happened as a result of his first decree, and at one point in Hobson II refers to the fact that he was amazed to learn that the D.C. schools had made no attempt to determine the effect of busing on the children moved as a result of the 1967 decree (858 and 859). To date, the D.C. schools have done no evaluation and kept no records that would allow them to evaluate the results despite the comments of the judge.

II. A. The school shall present to the court and the plaintiffs a periodic report indicating the administration's compliance with the court order. The report shall include at least the following information for every school:

a. name,
b. census data on neighborhood,
c. average daily membership
d. number and percentage of children by race,
e. percent of capacity of building being utilized
f. total number of teachers,
g. pupil/teacher ratio,
h. total operating expenditures from the regular budget,
i. per pupil expenditures from the regular budget,
j. total expenditure for teachers' salaries and benefits from regular budget
k. per pupil expenditures for teachers' salaries and benefits from regular budget
l. total expenditures from impact aid,
m. total expenditures from Title I,
n. per pupil expenditures from Title I
o. total expenditures from United Planning Organization (UPO)[1]
p. per pupil expenditure from UPO
q. total expenditures from all sources, and
r. per pupil expenditure

B. The report will include the mean for all schools or teachers salaries and benefits from regular budget funds and the five percent uppen and lower dollar bounds from that mean.

C. Any changes in computing data from year to year will be prominently disclosed.

III. And finally, "At some future time, the Board and the school administration may adopt specific measureable and educationally justifiable plans which are consistent with the present order. At such time, upon a prima facie showing that the plans are reasonably designed in substantial part to overcome the effect of past discrimination on the basis of socio-economic and racial status, the court may modify the present order."[2]

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1. UPO represents the poverty program agencies of the District of Columbia.

2. Hobson II at 864.

Summary

In his order, the Judge had rejected the defendant's broad defense of ecoromies and diseconomies of scale, while allowing for the possibility of one or two schools becoming so small as to reflect such a problem; it had made provision for the District to spend more money on its model schools and other compensatory programs, and had rejected the defendants' notion that longevity was inconsequential to teaching performance. In addition, the order left the door wide open for the school system to return to the court with a resource allocation plan of its own making, as long as it reflected "equal access to objectively measurable educational inputs...the very minimum (the plaintiffs) are entitled to under the Constitution." In the meantime, the court had once again stepped in to tell the school administration how to do its job.

CHAPTER IV

THE MANAGEMENT OF IMPLEMENTATION

In this chapter we examine the District's implementation of the decree beginning with the Board of Education's decision to comply rather than appeal. The hectic summer of 1971 is reviewed, during which brief period administrators and outside consultants developed procedures that not only permitted school to open in September, but determined the basic way that resources have been allocated to elementary schools in the three years since the decree. Special attention is given next to the problems faced in the first year of implementation. Finally, we examine adjustments in compliance procedures made during the 1972-73 and 1973-74 school year.

The Board Decides Not to Appeal the Decision

On Sunday, May 30th, just five days after the decision, both the Washington Post and the Washington Star commented editorially on the decree.[1] The Post supported the decision and congratulated Judge Wright on his stand.

> Judge Wright's order is not a guarantee of better education of all students, nor does it require the deterioration of schools West of the Park. It is simply a demand that school officials stop shrugging off an obvious descrimination and figure out a way to be fair.[2]

The Star, while agreeing with Skelly Wright on the need for providing and educational opportunity, took issue with the judge concerning his remedy.

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1. Washington Star, Judge Wright and the Teacher Pay Issue, 5/30/71. Washington Post, Judge Wright's Latest School Ruling, 5/30/71.

2. Washington Post, 5/30/71.

The Star was particularly concerned with the fact that the judge had focused on teacher pay as the central issue. The editorial concluded that "...the Board should vote to appeal."[1]

On June 1st eight members of the Board of Education met with the Corporation Counsel and the administration in a closed session. Possible responses to the order were discussed. Matthew J. Mullaney from the Office of the District of Columbia Corporation Counsel outlined possible motions for an appeal. He assured the Board members that there was "adequate basis for appeal: if the Board so directed. Furthermore, he advised, any such appeal would not be made "upon the basis that the Constitution does not require equal educational opportunity, but rather on the problem of what is equal education opportunity" (emphasis added).[2] Mullaney noted that the District would be forced to deal with two operational definitions of "equal educational opportunity": 1. United States Office of Education Title I guidelines and 2. the 1971 Hobson decree. He suggested that the two differed in two important respects. The first difference concerned the inclusion of longevity (teacher experience) in calculating teacher salaries; the second was whether school size could be used as a factor in varying allocations to individual schools. The Office of Education, in computing comparability, disregarded teachers' pay steps based on longevity. Mullaney also argued

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1. The Evening Star, 5/30/71.

2. The June 1 and June 4th meetings had been closed sessions, and there was considerable controversy in the newspapers about such important discussions being held in secret. The records of the meetings were subsequently transcribed. The Board met on June 10th in open session and voted again not to appeal.

that the comparability requirements recognized economies and diseconomies of scale.[1]

He believed that the issue of longevity was not a point of conflict, but that the issue of scale might well be if pupil/teacher ratio were considered, as in the OE guidelines. He also observed that, "the court doubted the bona fides of the board, or its ability to manage its own business."[2]

Mrs. Allen indicated that she would be reluctant to proceed on an appeal based on differences in the definition of "equal educational opportunity." She also indicated that the Board had a credibility problem with the court. Roots, Rosenfield, and Hancock wanted to appeal. Roots believed that money was not the issue and an appeal was necessary in order "to remove the evilness of the decree." Rosenfield, who represented the schools West of the Park, felt that the decree was very disruptive and would cause havoc to the school system without improving anything.[3] Hancock believed that the Board had a moral obligation to appeal:

> ...money which should be spent for children's books and papers should not be spent to keep Mr. Hobson's name or Judge Skelly Wright's before the press...Wright can't run the system...Either the Board insults its new superintendent and permits Judege Wright to run the schools, using the superintendent as a conduit, or the Board appeals.[4]

Coates supported the decision. He represented Ward Eight where

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1. See Chapter VI, pp. 180-182.

2. Board minutes 1/4/71 .

3. Washington Daily News, 6/8/71 quotes Rosenfield,"We will polarize the black and white middle class by carrying out this ruling."

4. Board minites of June 1, 1971.

schools were poorest and most overcrowded. The reaction of the Anacostia community, according to Coates was "...that whether or not the dollar amount makes any difference, give them that dollar amount."

Superintendent Scott was ambivalent. On the one hand, he felt that the remedy the court had decreed would create more harm than good and he also doubted whether the District could administratively comply by October 1971. On the other had, Scott was reluctant to appeal because he felt that a majority black Board and a black superintendent would look bad appealing a decision that was intended to right past alleged discrimination against poor, black children. Swaim, while supporting the decree, was doubtful that the school system would be able to comply by the following Fall, given the quality of data then available. She suggested that the Board explore the possibility of getting extra time beyond October in which to comply.[1]

A second closed meeting of the Board was held on June 4th. The Vice Superintendent, Benjamin Henley, made a presentation that outlined six possible options for complying with the decree. He suggested the need for consultants and computer time in order to comply with the decree by October 1st. There was considerable discussion about the relationship of the decree to the Clark Plan. The judge had rejected the administration's claim that any order would undermine the implementation of the Academic Achievement Plan. Mrs. Allen was desirous of tying the Plan to the implementation of the decree. Tirana recommended that the Board hire consultants to work out compliance with

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1. Board Minutes, 6/1/71.

the court order and implementation of the Clark Plan.[1] Scott made a statement to the Board presenting his view that the 1971 Hobson decree would have "negative consequences" in the short run and unpredictable long range results. He nevertheless concluded his statement recommending against appeal:

> The school system which is predominantly black and has a predominantly black Board of Education and a black superintendent would be placed in a most untenable position if it appealed.[2]

A four part motion was made that:

1. the decree not be appealed;
2. the Administration report to the Board in a week with a plan of how to implement the decree, including cost estimates;
3. a plan be developed for a performance basis of pay as required in the Academic Achievement Plan; and
4. all materials filed in behalf of the Board in connection with any court order be approved by the Board in advance of filing.[3]

The motion was carried 9 - 1, with only Rosenfield voting in the negative.

Problems at Hand

Any school system faced with such a court order would have to contend with difficult problems of data collection, union interests, teacher relationships, and community relationships.

The Appointment of Consultants

Once the decision not to appeal was made, the Board worked in good faith to comply with the court order. The administrative responsibility to get

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1. Board Minutes, 6/4/71.
2. Washington Post, 6/6/71.
3. Board Minutes, 6/4/71.

the job done fell mainly on Vice-Superintendent Henley who had been responsible for complying with the 1967 Hobson I decree. A bid for proposals for assistance was announced, and on July 5, after reviewing four bids, a contract was signed with a consortium that included Lewin Associates, American Management Systems, and the Inner City Fund,[1] The consultants' job was to work with Henley and his staff[2] to develop a data base from which to construct alternative models of compliance, which the Board could then choose to implement.

On June 4th, a memorandum from the Superintendent was presented to the Board by Henley. This memorandum indicated some of the options possible for complying with the decree. They included: closing some schools, changing boundaries, mandatory busing of children, equalizing classroom teacher/pupil ratios, as well as the involuntary transfer of teachers.[3] Changing of boundaries and busing of more children were ruled out by the Board. The issue of closing schools and equalizing teacher/pupil ratios were alternatives that the contractors were asked to examine in terms of their impact on moving teachers. Essentially, the computer simulation model approach chosen by the Board was one in which the contractors were asked to produce a plan that would ultimately allow the school system to be within the letter of the law with as little administrative disruption as possible. In short, this meant moving as few teachers as possible. The options referred to in the

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1. Washington Post, 7/6/71, Feinberg, L., "School Board Hires Consultants to Help Equalization Per Pupil Outlays."

2. The compliance staff consisted of Henley and his assistants, Leroy Dillard, Betty Holton, and Bonnie Cohen. In 1974, only Bettly Holton remained to prepare the equalization report.

3. Henley, Presentation to the Board, 6/4/71.

court order of exempting small schools (if a case could be made for economies or diseconomies of scale), and those schools with compensatory education programs (i.e. the model schools many of which were above the ± 5% corridor) from the dollar stricture were not considered.[1] In sum, the consultants were instructed to bring all elementary schools, regardless of size, or population served, into compliance with the court order. Judge Wright had indicated that schools could deviate from the ± 5% range in order to provide compensatory education. The Board did not choose to deal with any questions regarding such educational needs.

After a preliminary analysis from the contractors indicating the effects of considering pre-kindergarten and special education children and teachers within the compliance plans, the Board decided to exclude those two groups because the pre-kindergarten units were distributed equitably around the city[2]

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1. See Chapter III, page 57. Lewin reported in an interview that there was the general feeling that such a large percentage of the schools required compensatory programs that no formula for including some and excluding others could be worked out. Personal communication.

2. Lewin Table on Distribution of Pre-K Teachers, Regular Budget Only

	Geographic Area	# of Teachers	Percent
a.	Anacostia	14	37%
b.	Center City	24	63%
c.	West of the Park	0	0
	TOTAL	38	100%
	Economic Level		
1.	(lowest)	7	18
2.		15	40
3.		8	21
4.		6	16
5.		0	0
6.	(highest)	2	5
	TOTAL	38	100

and because the Judge's decree did not include them. The decision to consider the MIND and CRISIS teachers[1] as special education teachers and therefore exclude them from the decree was made with the agreement of the attorneys for the plaintiffs.[2]

Equalizing so as to keep teacher/pupil ratios, as well as Wright's dollar value equal, resulted in too many moves and thus was rejected. An analysis of the effect of school closing on the number of teachers that had to be moved indicated that closing schools would not effectively reduce the number of teachers that had to be moved. The strong community sentiment for neighborhood schools coupled with the fact that closing schools had little effect on the number of teachers to be moved was responsible for the elimination of school closings as a general policy strategy for compliance.

Ninety Days to Equalize

The Board, the administration, and the consultants facing a major management crisis, worked together to find solutions. School opened one week late in September.

The first compliance report was submitted to the court by the October 1, 1971 deadline. Lewin and his team of consultants working with the administration did a remarkable job of collecting and processing a sea of new data, running a series of computer simulations, and organizing the results in a way

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1. MIND and CRISIS resource teachers were in the Department of Instruction at the time and were moved the following September to the jurisdiction of the Department of Special Education.

2. LCCRUL interviews with attorneys for the plairtiffs.

that permitted the Board to make choices. However, since the data required for compliance with the court order had not been routinely collected by the school system, the information available for the computer analysis had a number of weaknesses that created problems.

The redistribution of teachers in time to open school and to comply with the court's deadline was difficult. There was the lack of data about teacher characteristics and the resources distributed to individual schools. As the courtroom deliberations had demonstrated, the District did not routinely use schools as the critical decision-making or service delivery unit for planning purposes. The result was that the District could not tell on a school-by school basis where resources were expended and for what they were used.

Since the basic problem for the District was balancing the dollars spent for teachers' salaries with the number of children served by the teachers, the first task for the consultants was to construct an information base detailing who the teachers were, where they taught, and how much money they were paid, including benefits. The second task was to construct an information file about the schools in which the teachers served. American Management Systems (AMS) was responsbile for constructing the basic data system.

AMS did this by taking information from personnel records and payroll files and checking that data aginst the responses to a questionnaire sent to all elementary school teachers. The teacher file included the following information: name, address, employment status (temporary, probationary, etc.), transfer history, year in present school, total experience, grade or subject taught, race, and sex. Teachers who had retired or resigned in the summer of 1971 were not included. Those teachers who were to be on leave were

included.

AMS also constructed a school information file indicating the socio-economic status of the neighborhood in which the school was located, the geographic and ward location, the administrative status (model school, community school, etc), the achievement level for reading, and the number of children at pre-K, K, 1 - 3, and 4 - 6 grade levels. While the teacher file was supposed to be based on actual individuals assigned the enrollment figures were projections based on data from the previous June.[1]

When both the teacher and school files were completed, the third task was begun. The consultants analyzed the distribution of special subject teachers (mathematics, reading, foreign language, science, art, music, language arts, and physical education). As expected, considerable imbalances in the distribution of these resources emerged.[2] Since these imbalances clearly had to be corrected in order to comply with the decree, Lewin reported that

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1. While the citywide estimates had always been accurate concerning the general enrollment figure (within 1% error) the accuracy of school-by school enrollment projections had never before been examined. School-by-school figures had to be accurate (a difference of a few children could throw a school out of compliance). Some of the projected enrollments proved to be wrong.

2. Report to the Court. Table III-1, 9/28/71. It should be kept in mind that since teachers who had retired or resigned by midsummer were not included in the Lewin count or audit of resources available to each school, the specific imbalances discovered did not necessarily reflect the actual condition of a school during the 1970-71 school year. Rather, they simply reflected an operational mid-summer condition after retirements were dropped but before replacements were added. For example, a school might have had one full-time art teacher for the entire 1970-71 school year who resigned in June to take another job elsewhere. Lewin's mid-summer "Before" condition would show that school to be missing the services of an art teacher, and when one was assigned, it would have appeared as a "gain."

"the staff and special subject department heads consulted with principals and then revised assignments based on their professional judgments considering both equalization and educational program."[1]

This was accomplished in two steps. First, reading and math teachers were assigned by considering each school's reading achievement level with schools in the lowest groups receiving more services than those in the upper groups. Second, other special subject teachers were then assigned on a per pupil ratio basis taking into consideration existing educational programs. Having assigned special subject teachers by hand and not by computer, these assignments were "frozen into the computer program for schools" and simulations for equalization then determined the remaining classroom teacher resources each school was eligible to receive.

The next step was to establish the criteria to be used for determining classroom teacher assignements and transfers. Lewin and his colleagues talked to a wide range of people in the administration, on the Board of Education and in the community. He asked officials of the Washington Teachers' Union and the Council of School Officers specifically if they wished to exclude particular teachers from transfer. Both the union and the principals preferred to leave the question of transfers to the "objectivity" of the computer, rather than develop a plan with an educational rationale that might be subject to criticism and charges of favoritism. Thus neither group offered educational guidelines for transferring teachers.

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1. From SURC interview with Larry Lewin.

The consultants' discussions with PTA members, administrators, the Corporation Counsel, and the lawyers for the plaintiffs produced two major factors to be considered in drawing up an equalization plan:

1. Teacher factors. Those factors affecting teachers' attitudes toward transfer: years of experience in the system; years in the present school; and additonal distance to be traveled. The consultants concluded from their interviews and discussions that years in the present school was the most significant of the three measures of teachers' reluctance to be transferred. In feeding teacher information into the computer, therefore, it was given a heavier weighting than other characteristics.

2. School factors Those factors affecting the profile of a school: race and sex balance of the faculty, shifts in grade level assignment of teachers, and the mix of experienced and inexperienced teachers. These factors were given equal consideration in developing alternative transfer plans.

With the teacher information weighted, other considerations were examined. How many teachers would be moved if:

1. eight under-utilized schools were closed.
2. teachers scheduled for release in the FY '72 budget were reinstated.
3. teachers now eligible for retirement were not moved.
4. all schools were equalized within ± 3% rather than 5%.
5. teachers at schools already in compliance were not moved
6. teachers with more experienced were the first to be transferred.

Initial computer runs indicated that the first 3 of these 6 considerations did not appreciably affect the number of transfers. The Board decided to keep the under-utlized schools open, move teachers eligible for retirement if necessary, and over the strong objection of the superintendent, reestablish the teacher positions which had been cut from the FY '72

budget.[1] Since the policy issue of equalizing to ±3% only required a few more teacher moves, and since it would allow for more leeway in the system (should enrollments change, or teachers move), it was decided to do this.

Freezing teachers in schools already in compliance with the anticipated District mean per pupil expenditure would have reduced transfers considerably. However, the Board did not adopt that option. Although fewer teachers would have been transferred, the schools affected would have suffered severe disruption from teacher movement. The only teachers exempted were the Reading and Math Mobilization leaders, since they had had special training for assisting classroom teachers in their schools in implementing the Academic Achievement Plan.

On August 12th Lewin presented three alternative plans to the Board based on the results of his meetings with the Board. The three alternatives, all of which would bring the school system into compliance with the decree, many be summarized as follows:

1. Each of the three resulted in the reassignment of about 400 teachers.

2. Alternative 1 gave preference for reassignment to less experienced teachers, and in fact exempted from transfer teachers over 55 years of age. Alternatives 2 and 3 did not exempt over-55 teachers, and therefore would have resulted in the transfer of a larger number of more experienced teachers.

3. Additional travel required was not significantly different among the three plans.

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1. The Board of Education in preparing the FY '72 budget had eliminated over 300 elementary teacher positons in part because of a projected drop in enrollment but also to redirect funds to special education and building maintenance needs. Congress had not yet approved the FY '72 budget, but the request pending before Congress assumed that teacher cut. Scott said that "such an addition at this time would be fiscally unsound and educationally unjustified..." Board Minutes, 7/12/71.

4. All three plans maintained existing racial distribution of faculty across the city.

5. In Alternative 3, teacher experience and pupil teacher ratios were more similar than under 1 and 2.

6. Alternative 2 included the reinstated teacher positions, but as Lewin pointed out to the Board, "does not reduce the number of reassignments needed to bring all schools into compliance, although it does tend to reduce the percentage loss of teachers from West of the Park and Center City schools."

7. All three alternatives brough expenditures per pupil within ± 3% of the mean.

Superintendent Scott reviewed the alternatives carefully, and, following Lewin's presentation, recommended to the Board the adoption of Alternative 3. He was concerned about a possible budget crisis and so spoke against Alternative 2 because it resored budget cuts of personnel without Congressional approval. Scott said any losses to schools from equalization by Alternative 3 could be compensated for in other ways:

> ...we can add additonal teachers funded from Impact Aid in any way the Board wants at any time without disruption to our equalization.1

The Superintendent believed that the District would be least disrupted by either Alternatives 1 or 3. He and his staff preferred number 3.

Much discussion followed the presentations. Swaim, who opposed the computer simulation apprach offered an alternative which moved teachers from over-financed schools to under-financed schools. In addition she suggested increased options in busing, since some schools slated to get more

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1. Rousellot, Hobson's lawyer, had previously objected to the fact that only 53% of Impact Aid Funds were used in the most disadvantaged areas. He felt the Congressional intent called for 100% and was thinking of litigating D.C.'s use of the funds. LCCRUL interview.

teachers would still be overcrowded due to the lack of classroom space.[1] Mrs. Swaim recommended complying in the schools furthest out of line while working on the rest of the schools through the usual procedures of attrition (by retirement, leave or transfer) and replacement with full compliance by June 1972. She felt that a plan of this type could be presented to Judge Wright demonstrating good faith and intent on the part of the District. Such an approach, she noted, would allow time for transition and an orderly compliance in a less disruptive manner.

Lewin, who had seen a copy of her alternative, rejected it on the grounds that it was operating under different ground rules than the plans he had offered and, he stressed, those ground rules had been created by the Board. Indeed, if Mrs. Swaims's plan followed the Board's ground rules, he insisted, 396 rather than 120 teachers (her estimate) would have to be moved in September in order to have full compliance.

Scott made it clear that he was very concerned about the possible three million dollar cost of the additional teachers in Alternative 2 and that the additional positions did not reduce the number of teachers who had to be transferred. The Superintendent argued that since the addition of 300 teachers in Alternative 2 was the only difference between the two options, the Board should choose Alternative 3 and avoid the need for additional teachers. After considerable debate, the Board adopted Alternative 2 which had less percentage loss of teachers in the Center City and West of the Park schools.

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1. One school was sent classroom and special subject teachers when there was no room in the building to accommodate them. The classroom teachers doubled up until some lavatories could be converted into classrooms. These classes, however, were small and had only 18 children in them.

With the decision to go against the Superintendent's wishes the Baord once again put the District in the position where the Board and the Superintendent preferred different policies in responding reluctantly to a court order imposed upon them. Since any plan which resulted in moving actual teachers was bound to cause discontent in the community, creating a schism between the Board and the administration only served to further the confusion. The Washington Post criticized both the Board and the Superintendent for their action:

> It is the superintendent's job, as we see it, to recommend programs to the board for approval or rejection; and approval ought to be the general rule where a situation of confidence and rapport prevails between the two. There is something essentially anomalous about a situation in which a board instructs a superintendent to undertake a course which he has said will lead to disaster. This is a situation to be blunt about it, in which confidence and rapport are manifestly lacking, and the superintendent must be strong in taking leadership.[1]

The Evening Star also registered its distress at the manner in which the equalization plan had been adopted:

> Nobody is talking much about it, but there appears to be a serious question as to whether the D.C. school board acted legally when it adopted the equalization plan scheduled to go into effect this fall. According to the D.C. Code the board is not to hire, dismiss or transfer teachers without the recommendation of the superintendent.[2]

On August 28th when the Board met to approve the actual teacher transfers it became clear that the Superintendent had not reinstated all the teacher positions.[3] This served further to exacerbate the rift that was growing between Scott and the Board. Tirana who had previously supported the Superintendent

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1. Washington Post, 8/17/71, "Supervising and Superintending."
2. Evening Star, 8/23/71, L. Dunson, "School Action Stirs Question."
3. Scott hired only 120 of 300 teachers and the Board members were upset with his failure to implement their policies. His contract was not renewed and he left the D.C. schools in June 1973 after one 3 year term as Superintendent.

now joined forces with Allen in registering displeasure at Scott's failure to implement Board policy.

Despite a request from Swaim that a final decision or the alternative to be adopted for equalization be postponed until the community could review it, no provisions for community review were made.

Once the plan was announced, objections were raised from parents in the Northwest schools most likely to be affected by the equalization move.[1] Lewin attended a meeting to explain the plan and assuage the fears of the community. The community produced a statement that Board member Rosenfield endorsed, urging that the schools open in the fall as they were the previous spring and that the parents and principals decide by October 1 who should be moved. Hobson, too, was disappointed with the plan. He said that the rigid computer transfer policy had "boxed the schools into a strait jacket that will have bad educational effects." He felt that "just switching teachers would make teachers unhappy and not cause anybody to be more educated."[2] Hobson was not only displeased with the implementation plan, but with Judge Wright's decree itself. He wanted the schools to equalize all costs in the elementary grades and thus give individual schools greater flexibility in spending their allotted money, but Wright had narrowed equalization to teachers' salaries and then the schools had reduced the equalization order to a mechanical process that looked only at dollars without, in Hobson's

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1. The Washington Post, 8/26/71, L. Feinberg,"N.W. Parents Demand Say on Teacher shifts."

2. The Washington Post, 8/20/71, L. Feinberg, "Hobson Rues Rigid Teacher Transfers."

opinion, considering educational issues.

On August 26, 1971, the computer list of teachers to be transferred and an appeals procedure were approved by the Board. There were two grounds for appeal: Educational Hardship Appeals could be made by principals, and Personal Hardship Appeals could be brought by teachers. Educational hardships concerned projected transfer of teachers who were trained for a special school program, or whose transfer would cause the elimination of a school program. Personal hardships could be appealed on the basis of 1. physical problems, 2. handicapped child, 3. severe personal problems, or 4. extreme distance to travel. Five educational appeals were initiated and four were upheld. Over 150 hardship appeals were made and less than half were upheld.

School Opens with "Equalized" Elementary Schools

School opened a week late in the fall of 1971 with the newspapers carrying stories of teacher resignations and predictions by Northwest principals that there would be considerable educational disruption and increased white exodus.[1]

However, there is no evidence to support reports of a mass exodus of either teachers or white children. Although there was widespread dissatisfaction, especially on the part of transferred teachers, our discussions with teachers and administrators about those teachers who were transferred

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1. Washington Post, 9/2/71, E. Barnes, "Teacher Refuses Transfer, Resigns". Washington Post, L. Feinberg, 9/14/71, "D.C. Teacher Transfer Uncertain".

indicate that most remained in their transferred positions at least for the first year. Three factors may have been responsible for this retention rate above and beyond teacher loyalty to the children or the District. First, the notification of transfers did not come until late in the summer, so that, although everyone was afraid they would be transferred, they were also hopeful that the odds would keep them in their school and thus they did not have sufficient time to find another job when they were reassigned to comply with the court order. Second, teachers were becoming a surplus in the local market. Third, the area private schools did not pay nearly as well as did the D.C. Public System. As one transferred teacher remarked, "I had some inside information in August and knew I was going to be transferred, but after looking around, I couldn't find another job that I could afford to take."

Results of the First Compliance

In December of 1971[2] and January of 1972,[3] the school system published data on actual teacher placement and enrollment in each of the District's elementary schools. On the basis of these data it became evident that some of the projected enrollments were inaccurate and in fact the schools were not in compliance.

On February 1, 1972 Hobson appeared before the Board making it clear that he intended to go back to court and ask for a Master to run the school

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1. Interviews with principals and teachers in eight of the schools most directly affected by the decree.

2. Hobson Board presentation, February 1, 1972.

3. Ibid.

system.[1] He contended that the school system was not in compliance. Hobson cited data showing that the September 28th Compliance Report to the court had more than 500 teachers alleged to be in buildings in September who were not listed in the D.C. publication "Elementary School Teachers by Grade," published in October. This mismatch resulted in part because the Compliance Report carried special subject teachers and teacher vacancies whereas the Teachers by Grade only listed filled classroom teacher positions. In Hobson's view. 1. the schools with vacancies were, in fact, not in compliance; 2. the enrollment projections used in the Compliance Report differed from the actual number of pupils registed in the fall; 3. the Report listed 136 schools, when actually there were only 135 schools since Ketcham Annex, which the Report indicated "contained 297 pupils and 16 teachers, spending $152,348 for teachers salaries," never opened.[2] Hobson

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1. Board minutes, 2/1/72.

2. Hobson 2/1/72., presentation to the Board. What Hobson noted was the following:

    1. A school identified as "16th and Butler" was listed in the October 1971 Compliance Report with a projected enrollment of 297, but there was no 16th and Butler School listed in the October 1971 enrollment report.

    2. The two reports listed the schools involved as follows:

	October 1971	
	Compliance Report (Projected Enrollments)	Pupil Membership Report (Actual October Membership)
Ketcham	860	1017
Ketcham Annex	Not listed	258
16th and Butler	297	Not listed
Savoy	1044	830
Savoy Annex	Not listed	217

(continue on next page)

also referred to a letter from the Corporation Counsel which indicated that the consultants' recommendations for monitoring compliance had not been acted upon:

> The superintendent has issued no written guidelines to his assistants who are charged with responsibility for monitoring compliance. However, the school system has received a two-part volume from its computer consultants with comprehensive recommendations on monitoring procedures and technical information for computer programming of the compliance plan. No decision has yet been made as to whether all the recommendations will be followed.[1]

In March, Hobson again threatened to go back to court if the schools were not in compliance. In April 1972, Scott presented the Board with a plan for bringing the schools into compliance by the end of the school year. The Superintendent's plan called for the transfer of a handful of classroom teachers with the bulk of the compliance being achieved by moving around special subject teachers.[2] Scott stressed that given the constraints of

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> The school system apparently had intended to close Ketcham Annex and transfer 297 children to 16th and Butler, with 16 teachers. The community objected to that particular boundary change, however, and in October there were 258 children still in the Ketcham Annex with 9 rather than 16 teachers. In the October 1972 enrollment report, Savoy Annex is footnoted with "now 16th and Butler."

1. Corporation Counsel letter to Hobson, dated 1/11/72, as cited in Hobson Memorandum to the Board, 2/1/72.

2. Board minutes, 4/25/72; Star 4/26/72, Delaney, "Schools Bow to Hobson." It is important to note here that educational need and pupil/teacher ratios were considered in the original allocation of special subject teachers. The April 1972 plan disregarded need and pupil/teacher ratios and allotted special subject teachers according to dollar values needed for mathematical compliance.

teacher notification, there would only be a few weeks remaining in the school year before his plan could to into effect. Simons, the head of the Teachers Union, spoke against initiating any moves so late in the school year since it would be disruptive to children and teachers, and not enough time was left to have positive effects in the schools to which teachers were transferred. The Board voted 5-2 to make the transfers, but indicated that it would go along with a delay until fall if Hobson, Simons and Scott jointly petitioned Wright for such a delay and the judge agreed. Hobson refused to make such an appeal to the Court, and on April 28th the shift of approximiately 111 teachers (11 classroom teachers and the rest itinerant special subject teachers) took place. There were seven weeks left in the school term.

The 1972-1973 Compliance Report

That spring the Board went back to the judge and requested that the District report to the court in December rather than in October, when only projected enrollment figures were available. Judge Wright approved the request.

In November of 1972, when the Board was presented with Scott's plan for teacher transfers to achieve compliance, another crisis arose. Representatives from Janney School, which had a high-paid teacher on leave and had been sent a lower paid teacher as a temporary replacement, complained to the Board that they were actually being short-changed by the compliance plan because more money was being charged to their school than was actually being spent there. Scott had computed his compliance plan using the pay of teachers on leave rather than the pay of those who replaced them. The Board rejected

his plan and told him to recompute compliance using actual numbers, and only the leave of teachers who were on short term, maternity leave. Scott pointed out that in order to redo the plan, the Board would not be able to be in compliance by the first of December as required. The Board filed the first plan with the court and indicated that it would soon be revised. When it was obvious that the Board and administration would not be in compliance in December, Hobson brought a contempt of court motion. Scott claimed that the change in computation of compliance caused the delay. A new plan, approved by the Board on January 11, would be in effect by the end of January 1973. Hobson's lawyers rejected this reasoning, claiming that the District had never been in compliance and that, "It is immaterial whether the reason for this (lack of) performance is conscious neglect of simply incompetency."[1] While the Board members admitted to being in violation of the court order, they demonstrated they were working on correcting the situation. The judge rejected Hobson's request that the Board be fined for contempt. On January 29, 1973, the 65 schools that had been out of compliance were brought into compliance by shifting special subject teachers. No classroom teachers were moved.

Discussion with principals, teachers, and heads of special subject departments have indicated that the use of special subject teachers for compliance is very unsatisfactory. First, there is rarely an educational rationale for the assignment, and teachers whose salaries equal the amount missing from

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1. Plaintiff filing, December 1972.

the school are sent there without apparent consideration to whether the school needs or has requested, such services. For example, one school that was underfunded by at least $60,000 in October of 1971 received two extra art teachers, three physical education teachers, and an additional music teacher in May of 1972. In addition, in order to equalize dollar values, some teachers were sent to a school for half a day every other week, making the possbility of building a meaningful program at that school difficult at best. Instrumental music teachers were sent to schools where there were no instruments. In many instances science and mathematics department heads complained that special subject teachers who were supposed to assist teachers in the development of lessons and curricula were merely thrown into classrooms to allow the regular teachers to get out and have their free planning periods as required by the union contract.[1] Many principals believed they were not getting special subject teachers that the children in their schools needed. Apparently policy directives concerning the educational role of special subject teachers were abrogated by the equalization policy which only looked at dollar amounts of services.

Toward School-By-School Budgeting

In January of 1972, partly in response to the pressures from the community and from Board members, particularly Mrs. Swaim, and partly as a consequence of the difficulties arising out of the choices to be made as a result of budget cuts and the implementation of Judge Wright's 1971 decree, Scott set up a "Task Force on Local School Budgeting." In April, the Task Force recommended that school-by-school budgeting procedures be instituted so that each principal, together with staff and members of the community, could

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1. Interview, Department heads and principals.

review the needs of the school and request teaching positions that would best suit those needs. The policy was approved by the Board and in the spring of 1973, an administrator from the Budget Office met with principals and explained the school-by-school budgeting procedures to them. Principals could request any special subject teachers they wanted, and could replace teachers not permanently assigned to their buildings. If the community decided that it wanted classroom teachers instead of special subject teachers or vice-versa, such requests could be filled.

In order to facilitate school choice, an important change was made in the District's budget procedure. The budget document that traditionally went to Congres listed the number of positions by subject: elementary classroom teachers, science teachers, art teachers, etc., so that prior to FY '74 each special subject department had a specific number of teachers assigned to it. In the spring of 1973, a budget was submitted to Congress requesting a set number of slots for elementary teachers that aggregated classroom and all special subject teachers. This allowed school-level request to determine and size and scope of a particualr department, rather than a central administrative decision setting an arbitrary number. In effect, this created a situation in which schools "purchased" special subject services and special subject teachers found themselves having to "sell" their service.[1] Schools rather than department heads were now also given

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1. Since demand for certain special subject teachers, most notably mathematics, was greater than the supply, in many instances other special subject teachers in greater abundance were often sent to a school in lieu or those requested.

money for supplies.

The 1973-1974 School Year

When the 1973-1974 school year opened, compliance with the Hobson 1971 decree was not a prominent issue. A new Superintendent was about to begin her term. In addition, the Mills decree,[1] requiring appropriate educational services for handicapped children, was a chief concern of the Board and the administration. Hobson v. Hansen compliance had become a routinized procedure: schools prepared their list of priorities and submitted them to the compliance office and the budget division. In the fall when the actual enrollments were available, teacher resources and requests were checked against enrollments and schools were given teacher positions requested if the funds were due them. If they were spending more money than they were entitled to, teachers were to be removed from their schools according to the priority order requested.[2] Equalization was one of many necessary tasks. The equalization office performed its duties in relation to the court demands. It was not, however, integrated into the general process of school decision making.

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1. Mills v. Board of Education, 348 F. Supp. 866 (1972).

2. There were a number of complaints from schools concerning the fact that the priorities they requested in the school-by-school choices were not honored by the central administration.

   By the 1974-75 school year the complaints about ignoring school-by school choices, and the mismatch between the compliance report resources resulted in the School Board rejecting the administration's Compliance Report.

Summary

In the summer of 1971 the school system was faced with the difficult task of equalizing per pupil expenditures for teachers' salaries within ±5% of the mean in all elementary schools. The School Board hired a group of consultants to assist with the preparation of the Compliance Report. The summer was spent gathering the necessary data and devising an implementation plan. A plan was approved by the School Board and implemented before school began in September. Special subject teachers were distributed according to need and pupil/teacher ratios. In addition, approximately 400 teachers were transferred to new assignments.

The first implementation was particularly difficult because of the lack of data on school-by-school enrollments, as well as data concerning teacher placement. Many of the enrollment projections proved inaccurate. As a result, schools were out of compliance in the fall. In February 1972 when the figures concerning lack of compliance became available, Hobson demanded that action be taken. That spring, with only seven weeks remaining in the term, special subject teachers were moved to effect compliance.

The 1972-73 compliance was achieved by moving special subject teachers again. In the spring of 1973, a form of school-by-school decision making was implemented, and communities were able to indicate the special subject teachers they wished to have moved or added in 1973-74. The compliance the following fall, again involved moving special subject teachers, where possible adhering to community choices. However, the types and frequency of teacher transfer, and the loss of special subject services completely in some schools, left many unsatisfied with the implementation.

By the 1973-74 school year, the District of Columbia Public Schools had experienced three years of "equalization." The outcomes of the three year response to Judge Wright's 1971 decree are the subject of the following chapter.

CHAPTER V

RESOURCE ALLOCATION IN SELECTED DISTRICT OF COLUMBIA SCHOOLS: A CASE STUDY (1971 - 1974)

In this chapter we focus on the effects of the equalization decree on the District elementary schools. What difference has it made? To what extent did schools on the extremes of the regular budget scale lose or gain resources as a result of equalization? What kinds of resources were shifted, and what effect did those shifts have on educational programs? How have various schools responded to the opportunities or the problems presented by equalization? Have resource shifts produced changes in learning? And finally, do the provisions of the decree, or the District's implementation procedures present special problems for schools with special characteristics?

In order to determine the answers to these and other questions raised by the 1971 court order, we collected and analyzed data on school-by-school spending from 1971 to 1974. First, we examine the changes in teacher assignment patterns between 1970-71 -- the last year before the 1971 decree -- and 1973-74, the last year for which compliance data was available at the time this study was conducted.[1]

Second, in order to understand the impact of the decree more fully, we examine the changes that have occured in resources and programs in

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1. Data on two groups of schools -- each at the extremes of the distribution of regular budget dollars for teachers salaries and professional staff in 1970-71 -- were examined for this study.

four of the previously most favored and least favored schools, for each year since equalization. Finally, we discuss the problems of assessing whether the shifts of teachers had any effect on the children's academic performance.

The Data

Judge Wright's 1971 decree focused on classroom and special subject teachers paid from regular budget funds. The regular school budget is a portion of the total District of Columbia budget based on income derived from local taxes and fees, and the relatively small Federal payment. The Federal payment is a general subsidy paid to the District government and can be considered to be in lieu of taxes on government property. The regular budget constitutes approximately 75 - 80% of the total school budget. The other 20 - 25% of the school budget is derived primarily from Impact Aid Funds (2 - 5%) and categorical Federal grants -- monies targeted for particular groups or to meet specific needs (e.g. ESEA Title I, NDEA, Agriculture Lunch Aid Grants). In seeking such grants the District of Columbia is in the same position as any of the fifty states.

In order to determine the effect of the Hobson II decree, data for all professional staff members whose salaries were funded from any source were collected, since schools might have compensated for staff lost through equalization with staff funded from sources not covered by the Hobson II decree.

We divided the professional staff into the following categories: 1. administrative -- principals, assistant principals, and community coordinators, 2. classroom teachers -- kindergarten through grade six

3. Special subject teachers -- art, foreign language, language arts, mathematics, music, physical education, reading and science, as well as reading and mathematics resource coordinators, 4. Support Staff -- this includes librarians, pupil personnel staff[1] and 5. Special Education staff, and finally 6. all professional staff supported by Federal funds -- this includes administrators, pupil personnel staff, and classroom and special subject teachers paid for by Title I, Emergency Employment Act Funds, Follow-Through, or any other Federal grant funds (Chart V - A).

Data on expenditures for this study were collected from the following sources: the November 1973 Compliance Report submitted to the courts by the school district: the individual school membership lists for March 1971 and January 1974; the payrolls March 1971 and October 1973, and the March 1974 comparability reports submitted to the U.S. Office of Education.

One of the major limitations of these data is that they were collected at various different points in time and do not represent a picture of the actual resources that went into a school over the course of the year. Thus, a vacancy that shows up in March 1971 or January 1974 data may be filled at another time, or a filled position may become vacant. Although for purposes of reporting to the court the school system does provide figures on "projected expenditures" for certian categories over a year, it does not seem to have actual comulative data on a school-by-school basis.

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1. Pupil Personnel staff includes social workers, sight and hearing therapists, counselors, psychologists and speech teachers. Social workers, psychologists and sight and hearing therapists constituted such a small percent of the support staff that for the purpose of this study they were omitted from our data tabulations.

CHART V-A

PROFESSIONAL STAFF BASED IN SCHOOLS

Included in our Data		Not included in our Data*
Covered by Wright Decree	Not Covered by Decree	Not Covered by Decree
Classroom Teachers** - K-6	Support Staff - Librarians - Counselors - Speech Teachers	Support Staff - Psychologists - Social Workers - Sight and Hearing Therapists
Special Subject Teachers - Art - Foreign Language - Language Arts - Music - Physical Education - Science - Reading - Math	Special Education - MIND - School-Based - Extended Learning - Crisis-Resource - Social Adjustment	Special Education (discrete classes) - Mentally Retarded - Learning Disabled Administrative - Principals - Assistant Principals - Community Coordinators

* Except those supported by Federal funds.

** In 1974-75 the District included preschool teachers and teacher aides in their compliance report. They were not included in our 1973-1974 data.

Neither the District's own information system, nor the Lewin Report[1] provided appropriate "before" data[2] to allow for identification, according to the Judge's definition, of the highest and lowest spending schools during the 1970-71 school year. We determined the school resource allocation for classroom and special subject teachers in the 67 elementary schools (57% of the total) which, based on reports to the court[3] or the summer Lewin data appeared to be at the extremes of the District's spending scale for 1970-71. We ranked the 67 schools which prior to equalization were at the extremes according to their per pupil expenditures for the salaries of teachers included in equalization. We then selected the 20 highest and 20 lowest spending schools for our case study of the effects of equalization. After collecting all the data for the 40 schools a number of problems involving the data in two supposedly high spending schools became apparent.[4] These two schools were eliminated and that group was reduced to 18.

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1. The Lewin Report is the final report that Lewin submitted to the Board with his equalization plan. It described the processes involved in gathering the data and implementing the plan adopted by the Board.

2. We wanted a "before" condition that separated salaries that Judge Wright had included in equlaization from other professional staff paid from regular and other Federal grant funds. Over the summer of 1971, Lewin and Associates did not employ as a "before" condition"the actual condition of elementary schools during the 1970-71 school year, but rather displayed data about each school as of mid-summer 1971, which excluded information about teachers who had already indicated that they would not return to schools in which they had taught during the previous school year due to resignations or retirements. (See page 6 of the 9/28/71 Compliance Report to the court for more detail).

3. The data in the defendants' presentation to the court, January 1971 used different categories of professional staff than those ultimately chosen for inclusion in the 1971 equalization decree.

4. One school was actually an alternate low spending school that the researcher had inadvertently placed in the "high" spending list. The other was high in 1971 but the school had been closed by 1974.

School-by-School Expenditures and Staffing Patterns in 1971

How serious a problem was the school-by-school resource discrimination in the District of Columbia? Were the differences only marginal and did they affect only a few students?

Tables V-1 and V-2 present the basic information about our 38 sample schools, which represented approximately 25% of the total enrollment in the District elementary schools. Several characteristics of the two groups became apparent immediately. The low spending schools tended to be large (median enrollment 910) whereas the high spending schools were generally small (median enrollment 306). In fact, the low spending groups served approximately 19% of the elementary school children(16,674) while the most favored group of schools served only 6% (5727) of the elementary school population.

In his suit against the District, Hobson contended, and the Judge upheld the contention, that poor and black children were being discriminated against. Hobson stressed the disproportionate amount of money that he believed was being spent in West of the Park, an affluent area in which the schools were 73% white.[1] On the other hand, Hobson, decried the lack of resources that were characteristic of schools in poor neighborhoods, especially Anacostia where the schools were 97% black.

An examination of our data reveals that none of the low spending schools were located West of the Park, whereas 7 of the high spending schools were.

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1. The 1970 census data for the District of Columbia indicates that the entire city was 71.1% black at that time. Ward 3, where the schools West of the Park were located, was only 5% black.

Since there were only 12 elementary schools in the West of the Park area of the city, high spending schools represented approximiately 60% of the public school enrollment in that area.

While only 2 of the 18 high spending schools were in Anacostia, 12 of the low spending schools were there. In 1970-71, 97.7% of the children in our sample of low spending schools were black whereas 65.9% of the children in our sample schools West of the Park were white. Our entire high spending sample which included schools in the center city, Anacostia, and the model school division, was 72.5% black.

These figures tend to support Hobson's contentions of discrimination in favor of white children since the vast majority of the white children attending elementary school in the District were in schools West of the Park.[1] The geographic distribution of our high and low spending schools would tend to support Hobson's assertion that West of the Park schools were being favored. However, schools serving a predominantly black, low income population also received additional resources. While poor children, especially those attending model schools, were sometimes favored by the school system, our data generally support Hobson's assertion that children in poorer neighborhoods were generally discriminated against.

As Tables V-1 and V-2 show, the socio-economic status of the two groups of schools was significantly different.[2] The low spending schools were in

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1. Although the elementary schools in the District of Columbia were 90% black in 1970-71, the schools West of the Park were only 27% black.

2. The District of Columbia school system determined the socio-economic status of each school on the basis of 1970 census data on median family income for each school attendance area. While we recognize th median family income in the location of a school may not accurately reflect the median family income of the children attending that school -- e.g., in a high income neighborhood the children of the high income parents may not attend the local school -- it is the most accurate data we have.

TABLE V-1

SELECTED CHARACTERISTICS OF LOW SPENDING SCHOOLS

1971

School	Enrollment[1]	Reading Group[2]	Median Family Income[3]	% Black[4]
ANACOSTIA Regular				
Davis	1062	3	10861	100.0
Kenilworth	792	5	6875	99.7
Ketcham	954	4	9148	97.5
Kimball	998	2	7564	98.3
Nalle	941	2	8675	100.0
Orr	385	3	9450	93.7
Simon	1079	3	8686	98.9
Smothers	596	1	8186	99.9
TOTAL	6807	23	69445	
MEAN	851	2.9	8681	98.5
ANACOSTIA Project				
Congress Hgts.	973	2	8102	94.7
Draper	1027	3	7010	99.4
McGogney	851	4	8037	99.4
Savoy	1043	3	8022	99.8
TOTAL	3894	12	31171	
MEAN	974	3	7793	98.3
CENTER CITY Model				
Bowen	819	3	8077	84.6
Tubman	893	5	6072	97.8
TOTAL	1712	8	14149	
MEAN	856	4	7075	91.2

1/ March 1971 membership.

2/ Lewin Quintile Ratings; 1 is highest, 5 lowest.

3/ 1970 census data.

4/ October 22, 1970 membership. (March percentages were not available.)

Continued.....

TABLE V-1

SELECTED CHARACTERISTICS OF LOW SPENDING SCHOOLS
(continued)

School	Enrollment[1]	Reading Group[2]	Median Family Income[3]	% Black[4]
CENTER CITY Regular				
Emery	926	3	8466	96.6
Lenox	296	4	9029	98.4
Noyes	650	2	9850	100.0
Rudolph	948	2	10067	99.4
Slowe	802	3	10301	98.6
Walker Jones	639	3	5734	97.8
TOTAL	4261	17	53447	
MEAN	710	2.8	8908	98.5
GRAND TOTAL	16674	60	163212	
GRAND MEAN	834	3	8411	97.7

[1] March 1971 membership.

[2] Lewin Quintile Ratings; 1 is highest, 5 lowest.

[3] 1970 census data.

[4] October 22, 1970 membership. (March percentages were not available.)

TABLE V-2

SELECTED CHARACTERISTICS OF HIGH SPENDING SCHOOLS
1971

School	Enrollment[1]	Reading Group[2]	Median Family Income[3]	% Black[4]
ANACOSTIA Regular				
Nichols Ave.	244	1	8022	100.0
River Terrace	408	2	10772	99.4
TOTAL	652	3	18794	
MEAN	326	1.5	9397	99.7
CENTER CITY Model				
Cleveland	251	4	6174	100.0
Garrison	766	5	6563	98.2
Grimke	365	5	5497	100.0
Harrison	367	5	6521	99.2
TOTAL	1749	19	24755	
MEAN	437	4.8	6189	99.4
CENTER CITY Regular				
Bowen	481	5	12908	99.0
Edmonds	165	2	10911	96.7
Giddings	359	5	6844	100.0
Petworth	469	2	10343	100.0
Stevens	216	2	13139	74.5
TOTAL	1690	16	54145	
MEAN	338	3.2	10829	94.0

1/ March 1971 membership.

2/ Lewin Quintile Ratings; 1 is highest, 5 lowest

3/ 1970 census data.

4/ October 22, 1970 membership. (March percentages were not available.)

Continued.....

TABLE V-2

SELECTED CHARACTERISTICS OF HIGH SPENDING SCHOOLS

School	Enrollment[1]	Reading Group[2]	Median Family Income[3]	% Black[4]
WEST OF THE PARK Regular				
Fillmore	125	1	17352	54.1
Hardy	157	1	22207	52.7
Hyde	108	2	21455	59.8
Janney	271	1	17443	25.1
Key	155	1	26539	30.0
Murch	571	1	17469	10.8
Stoddert	149	1	17049	6.3
TOTAL	1636	8	139514	
MEAN	234	1.1	19931	34.1
GRAND TOTAL	5727	46	237208	
GRAND MEAN	318	2.6	13178	72.5

[1] March 1971 membership.

[2] Lewin Quintile Ratings; 1 is highest, 5 lowest

[3] 1970 census data.

[4] October 22, 1970 membership. (March percentages were not available.)

areas where the median family income ranged from $5734 to $10,861 with a mean of $8411. The high spending schools tended to represent a bi-modal curve. The schools West of the Park were significantly different from the low spending schools, and from other other high spending schools. They were located in areas where the median family income ranged from $17,409 to $26,539 with a mean of $19,931. The rest of the high spending schools, located in the center city and in Anacostia tended to be similar to the low spending schools. They were in areas where the median family income ranged from $5497 to $13,139, with a mean of $8881. When the median family incomes of all the high spending schools are considered, the mean ($13,178) is beyond the range of the low spending schools, and of the high spending schools if the schools West of the Park are excluded. These data again seem to confirm that while most of the children in upper income areas were favored, those in low income areas were not always discriminated against.

A justification for spending more money in some schools might be the special needs of the students as measured by the socio-economic status of the neighborhood or the academic achievement of the children. Clearly the favoring of the Model Schools in the high spending schools might be explained on just such grounds since those schools tend to be in the poorest neighborhoods and many of the children tend to score in the lowest achievement quintiles in reading. However, this does not explain why other schools in the Model Schools Division were among the low spending schools. Moreover, low socio-economic status and poor academic performance do not account for the relatively high expenditures West of the Park.

Allocation of Equalization Resources - 1971

Classroom teachers and special subject teachers account for approximately 85% of the regular budget expenditures. Because Judge Wright assumed that those teachers were necessary in schools of all sizes, he ordered that per pupil expenditures for teachers' salaries in each elementary school be equalized within ± 5% of the mean for all elementary schools. Our data on the 38 schools indicate that in the 1970-71 school year, the District's resource allocation plan might well have been labeled as discriminatory. Table V-3 illustrates the difference in expenditures between the 18 most favored and the 20 least favored schools during the 1970-71 school year. As the data on expenditures clearly indicate, in 1971 there was considerable disparity between high and low spending schools. The high spending schools ranged rom $455 to $672 in per pupil expenditures for classroom teachers (with a mean of $540).[1] The low spending schools had a range of $332 to $448 for per pupil expenditures on classroom teachers (with a mean of $398). A comparison of special subject teacher expenditures is no less dramatic. High spending schools range from $99 to $269, with a mean of $147 for such expenditures, while the low schools range from zero to $111, with a mean of $62 in per pupil expenditures for special subject teachers. The low spending schools were not only spending less per pupil on classroom teachers but also less on special subject teachers. The mean expenditure for all salaries included in equalization was $687 per pupil in high spending schools and only $460 in low spending schools with no overlap between the

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1. Unless otherwise noted weighted means are used in this report.

TABLE V-3

TOTAL EQUALIZATION PER PUPIL EXPENDITURES

LOW SPENDING 1971				HIGH SPENDING 1971			
School	Classroom	Special Subject	Total	School	Classroom	Special Subject	Total
Bancroft	$427	$ 20	$447	Bowen	$603	$ 164	$767
Congress Heights	364	56	420	Cleveland	577	269	846
Davis	428	73	501	Edmonds	509	115	624
Draper	362	54	416	Fillmore*	597	114	711
Emery	392	61	453	Garrison	530	99	629
Kenilworth	448	56	504	Giddings	506	128	634
Ketcham	377	55	432	Grimke	545	108	653
Kimball	428	61	489	Hardy*	571	169	740
Lenox	411	--	411	Harrison	580	134	714
McGogney	376	111	487	Hyde*	510	197	707
Nalle	404	73	477	Janney*	539	194	733
Noyes	399	97	496	Key*	672	172	844
Orr	347	71	418	Murch*	506	147	653
Rudolph	403	72	475	Nichols Ave.	455	197	652
Savoy	332	73	405	Petworth	481	118	599
Simon	436	45	481	River Tr.	557	130	687
Slowe	434	49	483	Stevens	539	192	731

Continued.....

TABLE V-3

TOTAL EQUALIZATION PER PUPIL EXPENDITURES

(Continued)

LOW SPENDING 1971				HIGH SPENDING 1971			
School	Classroom	Special Subject	Total	School	Classroom	Special Subject	Total
Smothers	$404	$ 49	$453	Stoddert*	$532	$160	$692
Tubman	381	83	464				
Walker Jones	409	43	452				
WEIGHTED MEAN	$398	$ 62	$460	WEIGHTED MEAN	$540	$147	$687

*West of the Park

Source: Compiled from March 1971 official school membership lists, and official March 1971 payroll.

two groups. The high schools outspent the low schools by 49%.

The greater training and experience levels of teachers may be one explanation for higher per pupil expenditures in more stable, smaller schools serving predominantly white middle class areas of the city.[1] If this is the explanation for the discrepancy in per pupil expenditure between the high and low spending groups then we would expect that the average teacher's salary would be greater in high spending schools. There is approximately $1000 difference in the average teacher's salary between the two groups. As Table V-4 shows, the average salary for the low spending group was $11,028 as compared to $12,030 for the high spending group.

Moreover, if teacher cost, reflected in longevity, were the only explanation for the discrepancies between the high and low spending groups, we would expect to find no differences in pupil/teacher ratios despite differences in per pupil expenditures. This is, however, clearly not the case. Pupil/teacher ratios for classroom teachers indicate that high spending schools had an average of 22:1, whereas low spending schools averaged 28:1. (Table V-5). Furthermore, in February of 1971, the Board passed a resolution suggesting that the maximum number of students in any one elementary class not exceed 28. A school with a pupil/classroom teacher ratio of 28 obviously had classes at or above the suggested maximum. In fact, 12 of the 20 low spending schools had a ratio which was at or above 28:1, while no high spending schools had a ratio that high. Not only did the high spending school have a lower

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1. Our high spending group had more schools in predominantly middle class and white neighborhoods than did our low spending group. Studies of teacher mobility have documented the tendency for teachers to move from lower socio-economic neighborhoods to middle income schools as they remain in the school system. (See Greenberg, D. and McCall, J. "Analysis of the Educational Personnel System: Teacher Mobility in San Diego" RAND #1071-HEW.)

average ratio when considered together, they also had fewer classes at or above the maximum.

The pupil/teacher ratio advantage to high spending schools is also evident in pupil/teacher ratios for special subject teachers. In high spending schools and average ration was 80:1 whereas it was 182:1 in low spending schools.

Allocation of Professional Staff not Included in Equalization in 1971

What of the professional staff excluded from Judge Wright's court order; how were they distributed across the schools studied? The data for 1971 (Table V-6) clearly indicates that these resources were also distributed so as to favor high spending schools. Although the enrollment in the low spending schools was almost three times that of the high spending schools, the low spending schools only received 59% more full-time equivalent support staff positions. The result was that per pupil expenditures for support staff in high spending schools was $67 while it was only $35 in low spending schools: a difference of 91% in favor of high spending schools.

A separate word needs to be said about special education expenditures. In 1965-66 the year before the first Hobson Decree, there were discrete classes for trainable retarded, vision-impaired, hearing impaired, and physically handicapped which served 743 students. In addition, there were 705 students in a program known as Social Adjustment, and 5262 students termed "educable mentally retarded" served in the basic tracks.

Between the end of tracking in 1967 and the implementation of the Mills decision in 1972, the system tried vaious ways of serving students with special problems -- the MIND program, social adjustment, classes for

TABLE V-4

AVERAGE TEACHER'S SALARY

School	Classroom	Special Subject	All Teachers
Bancroft	$ 10919	$16392	$11085
Congress Heights	10410	10231	10386
Davis	11956	10703	11757
Draper	9777	10351	9848
Emery	11001	14138	11340
Kenilworth	11444	11079	11403
Ketcham	10568	10899	10609
Kimball	11235	11653	11285
Lenox	12176	-----	12176
McGogney	10653	10755	10676
Nalle	10567	11762	10734
Noyes	11780	11654	11755
Orr	11133	11007	11112
Rudolph	11589	12252	11684
Savoy	10505	11366	10651
Simon	10942	11088	10956
Slowe	12409	11506	12311
Bowen	$ 13183	$12331	$12991
Cleveland	11146	12260	11477
Edmonds	12007	11205	11850
Fillmore*	11484	10680	11391
Garrison	11590	12182	11679
Giddings	11357	11765	11437
Grimke	11695	10829	11542
Hardy*	11957	11567	11865
Harrison	11827	11170	11698
Hyde*	10013	11598	10409
Janney*	12903	13107	12956
Key*	13018	11567	12694
Murch*	13143	12129	12901
Nichols Ave.	10085	12033	10329
Petworth	12524	11520	12313
River Terrace	13360	10595	12732
Stevens	12265	12737	12385

Continued.....

TABLE V-4

AVERAGE TEACHER'S SALARY
(Continued)

LOW SPENDING 1971				HIGH SPENDING 1971			
School	Classroom	Special Subject	All Teachers	School	Classroom	Special Subject	All Teachers
Smothers	12043	9492	11705	Stoddert*	11332	12237	11529
Tubman	9714	11970	10054				
Walker Jones	10889	9736	10769				
WEIGHTED MEAN	10989	11292	11028	WEIGHTED MEAN	12094	11802	12030

*West of the Park

Source: Compiled from March 1971 official school membership lists and official March 1971 payroll.

TABLE V-5

EQUALIZATION PUPIL/STAFF RATIOS
1971

LOW SPENDING				HIGH SPENDING			
School	Classroom	Special Subject	Total	School	Classroom	Special Subject	Total
Bancroft	26:1	819:1	25:1	Bowen	22:1	75:1	17:1
Congress Heights	29:1	184:1	25:1	Cleveland	19:1	46:1	14:1
Davis	28:1	148:1	23:1	Edmonds	24:1	97:1	19:1
Draper	27:1	190:1	24:1	Fillmore*	19:1	94:1	16:1
Emery	28:1	186:1	24:1	Garrison	22:1	124:1	19:1
Kenilworth	26:1	198:1	23:1	Giddings	22:1	92:1	18:1
Ketcham	28:1	199:1	25:1	Grimke	21:1	100:1	18:1
Kimball	26:1	192:1	23:1	Hardy*	21:1	68:1	16:1
Lenox	30:1	-----	30:1	Harrison	20:1	83:1	16:1
McGogney	28:1	97:1	22:1	Hyde*	20:1	59:1	15:1
Nalle	26:1	161:1	22:1	Janney*	24:1	67:1	18:1
Noyes	28:1	120:1	23:1	Key*	19:1	67:1	15:1
Orr	32:1	154:1	27:1	Murch*	26:1	83:1	20:1
Rudolph	29:1	170:1	25:1	Nichols Ave.	22:1	55:1	16:1
Savoy	32:1	156:1	26:1	Petworth	26:1	98:1	21:1
Simon	25:1	249:1	23:1	River Terrace	24:1	82:1	19:1
Slowe	29:1	226:1	26:1	Stevens	23:1	66:1	17:1

Continued.....

TABLE V-5

EQUALIZATION PUPIL/STAFF RATIOS
1971
(Continued)

LOW SPENDING				HIGH SPENDING			
School	Classroom	Special Subject	Total	School	Classroom	Special Subject	Total
Smothers	30:1	195:1	26:1	Stoddert*	21:1	76:1	17:1
Tubman	26:1	144:1	22:1				
Walker Jones	27:1	228:1	24:1				
WEIGHTED MEAN	28:1	182:1	24:1	WEIGHTED MEAN	22:1	80:1	18:1

*West of the Park

Source: Compiled from official March 1971 school membership lists.

TABLE V-6

SUPPORT STAFF FULL TIME EQUIVALENTS
AND PER PUPIL EXPENDITURES

1971

	Librarian	Counselor	Speech	Total
Full Time Equivalents				
Low (16,674)	15.1	21.8	9.1	46.0
High (5,727)	9.0	13.5	6.8	29.3
Per Pupil Expenditure (Weighted)				
Low	$ 10	$19	$ 6	$35
High	17	38	12	67

Source: Compiled from March 1971 official school membership lists, official March 1971 payroll.

children with learning disabilities, and crisis-resource teachers.[1] Congress increased the budget line-item for special education in the 1971-72 school budget by $1.7 million, although the total school budget was not increased. As a result, the special education teaching staff has increased from 220 in 1970-71 to 417 in 1973-74. School officials have stated many times that this increase in the special education budget and the resulting increase in services to the handicapped were made at the expense of services to other children because the overall budget was not increased. A closer look at the figures as well as the history of special education reveal that this, in fact, was not the case.

In 1965-66, just before the first Hobson decision, the Department of Special Education reported a teaching staff of 175. In addition, there were 350 teachers of educable mentally retarded children in the special academic, or basic track. When the 1967 Hobson decree ordered that the track system as practiced in the District of Columbia be abolished, the children who had been in the basic track were moved into regular heterogeneous classes. Administrators, teachers, and parents soon recognized that many of these children needed additional support services and the program known as MIND was developed. In 1970-71, in addition to 220 special education teachers, there were 76 MIND teachers. But like the basic track teachers of 1966, they were under the jurisdiction of the Department of Instruction not the Special Education Department.

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1. Dissatisfaction with placements and the frustration of parents of children who were not in school at all resulted in the Mills decision in 1972, which put the schools under court supervision in a second area. This decision obligated the school system to meet the educational needs of handicapped children with special programs or tuition grants. It also called for due process in the suspension of students.

In the summer of 1971 when compliance with the equalization decree was begun, the school system and the plaintiffs agreed that the MIND teachers would be considered as special education teachers and therefore not included in equalization computations. In September 1971, the MIND teachers were moved into the Special Education budget. At the same time, the social adjustment classes were abolished as the school system under a new Assistant Superintendent for Special Education moved toward "mainstreaming," with special services provided by an itinerant diagnostic team and by the MIND teachers. Following the Mills decree on August 1, 1972 and as a result of another change in the Office of the Assistant Superintendent, the MIND program was replaced by the School-Based teachers and the learning center concept. Thus, in the 1971-72 school year, the major part of the $2.1 million increase in special education was spent by moving approximately 150 positions -- MIND, social adjustment and learning disability teachers-from the Department of Instruction budget to Special Education.

Table V-7 shows the distribution of the MIND staff in the 18 school sample in 1971. Once again, the high spending schools were favored by the administration. There were 11 full-time MIND teachers serving the needs of 5,727 children in the high spending schools, and only 10 full-time equivalents providing such services to the 16,674 children in the low spending schools. Thus, in the high spending schools served by MIND teachers the pupil/teacher ratio was 352:1 while in low spending schools the ratio was 1667:1.

None of the West of the Park schools received Federal funds in 1971.

TABLE V - 7

SPECIAL EDUCATION MIND STAFF
1971

Low Spending			High Spending		
School	Enrollment	Full Time Equivalent	School	Enrollment	Full Time Equivalent
Bancroft	819	1.0	Bowen	481	1.0
Congress Hgts	973	--	Cleveland	251	1.0
Davis	1062	--	Edmonds	165	1.0
Draper	1027	1.0	Fillmore*	125	--
Emery	926	1.0	Garrison	766	1.0
Kenilworth	954	--	Giddings	359	--
Ketcham	792	--	Grimke	365	1.0
Kimball	998	1.0	Hardy*	157	--
Lenox	296	--	Harrison	367	1.0
McGogney	851	--	Hyde*	108	--
Nalle	941	1.0	Janney*	371	1.0
Noyes	650	1.0	Key*	155	--
Orr	385	1.0	Murch*	571	1.0
Rudolph	948	1.0	Nichols Ave	244	--
Savoy	1043	1.0	Petworth	469	1.0
Simon	1079	1.0	River Tr.	408	--
Slowe	802	--	Stevens	216	2.0
Smothers	596	--	Stoddert*	149	--
Tubman	893	--			--
Walker Jones	639	--			
TOTAL	16674	10.0	TOTAL	5727	11.0

* West of the Park

Source: Compiled from March 1971 official school membership lists.

However, the 8 other high spending schools received Federal money. The per pupil Federal expenditures was $21 for the high spending schools and $14 for the low spending schools (Table V-8).

Our summary table for the 1971 data (V-9) indicates that the high spending schools servicing only 6% of the school enrollment were receiving 54% more funds per child from all sources than were the low spending schools that were serving 19% of the school enrollment.

Why the Disparities in 1971?

Why then, did those schools serving only 6% of the Districts' elementary enrollment benefit so substantially from the system of allocating resources for instructional purposes if teacher training and experience were insufficient to explain fully the benefits that they enjoyed?

One explanation that the District administration had put forth during the court case was that of economies of scale. Judge Wright rejected that argument and complained that the truth was sometimes obscured by the elaborate statistical procedures presented by both parties to support their positions.

To test this explanation, we paired those schools in our high spending group that were approximately the same size as those in our low spending group. Table V-10 indicates the glaring disparities that existed in per pupil salary expenditures and staff/student ratios. Of the four pairs of schools in Table V-10, none of the lowest spending schools either spent as much or had as many staff members as any school in the highest spending group. In each pair, the differences are substantial and clearly lead to the conclusion that factors other than school size were at work in creating the disparities in resource patterns that characterized the two groups of

TABLE V-8
FEDERAL FUNDS EXPENDITURES[1]

1971

Low Spending Schools	Per Pupil Expenditure	High Spending Schools	Per Pupil Expenditure
Enrollment		Enrollment	
Bancroft	$--	Bowen	$ 8
Congress Hgts	18	Cleveland	---
Davis	14	Edmonds	63
Draper	--	Fillmore*	---
Emery	8	Garrison	22
Kenilworth	--	Giddings	25
Ketcham	18	Grimke	14
Kimball	15	Hardy*	---
Lenox	88	Harrison	114
McGogney	23	Hyde*	---
Nalle	--	Janney *	---
Noyes	--	Key*	---
Orr	--	Murch *	---
Rudolph	2	Nichols Ave	106
Savoy	38	Petworth	19
Simon	14	River Tr.	---
Slowe	--	Stevens	---
Smothers	47	Stoddert*	---
Tubman	--		
Walker Jones	52		
WEIGHTED MEAN	$ 14	WEIGHTED MEAN	$ 21

*West of the Park

1. Federal funds include Title I, Title II, Title III, Impact Aid and Follow-through.

Source: Compiled from March 1971 official school membership list and official March 1971 payroll.

TABLE V-9

PER PUPIL EXPENDITURES
1971

	Equalization Staff	Support Staff	Special Education Staff	Federally Funded Staff	Total
Low (16674)	$460	$35	$ 7	$14	$516
High (5727)	$687	$67	$21	$21	$796
Percent Difference	49%	91%	200%	50%	54%

Source: Compiled from March 1971 official school membership lists and official March 1971 payroll.

TABLE V-10

PER PUPIL SALARY EXPENDITURE FOR SIMILAR SIZED SCHOOLS
1971

Schools	Enrollment	Equalization Staff	Support Staff	Special Education Staff	Federal Staff	Total
Orr	385	418	37	31	--	486
Janney	371	733	49	35	--	817
%Difference						68%
Lenox	296	411	---	--	88	499
Cleveland	251	846	128	35	--	1009
%Difference						102%
Kenilworth	792	504	25	--	--	529
Garrison	766	629	46	13	22	710
% Difference						34 %
Smothers	596	453	18	--	47	518
Murch	571	653	59	23	--	735
% Difference						41 %

Source: Compiled from March 1971 official school membership list and official March 1971 payroll.

elementary schools.

The data serves to support Judge Wright's decision rejecting the economies of scale notion as an argument against his "show cause" order concerning equalization expenditures of classroom and special subject teachers.

Perhaps an explanation for the disparities between the low and high spending schools lies in the manner in which the Board of Education and top level administrative leadership operated. In the first place, the administration was lacking in data about the distribution of resources among schools, and therefore was not able to make necessary decisions based on information of overall resources in schools. Secondly, whatever the formal macninery, many decisions were in fact made on the basis of the informal connections between central office administrators and certain principals allowing some staff members to manipulate the system to achieve professional and personal goals.

For example, in 1970-71 the District's information system, though improved from 1967, was still inadequate with respect to school-by-school needs and resources. It was not that the data was not produceable:[1] the individual departments collected and organized that data for their own needs and there was no central source for coordination and assembly of all the school-by-school data. Subsequently the reports produced by the administration often had conflicting (or at least not matching) numbers. For example,

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1. Rousselot, Hobson's attorney in the '71 suit, indicated that his discussion with individuals who were members of the Board at that time revealed that many of them thought that the allocation of resources had actually improved as a result of policy decisions made after Hobson's 1967 suit. They were surprised to learn of the disparities. LCCRUL interview.

as we noted earlier,[1] the consultants hired by the District in response to Judge Wright's decision were forced to send out survey questionnaires to teachers and principals in order to obtain basic information about teachers' training and experience, subjects taught, and in the case of itinerant special subject teachers, the schools in which they taught. There was no school-by-school listing of the items included by Judge Wright in his decree.

The lack of information for rational decision-making about resource allocation in part both contributed to, and resulted from the lack of any direction from the Board to the administrators on the distribution of resources. In addition there was a reluctance on the part of some administrators to be held accountable for the information. Thus, there was a circle created -- since there was no information, there was no policy. There was subsequently no perceived need for accountablity and no pressure to obtain the necessary information.

In this situation central administrators and the more creative and "better connected" principals learned to "use" the system. These principals tended to be assigned to the "best" locations. These principals, in turn, expressed the most cogent demands for additional resources -- staff and programs -- that would most effectively meet the interest and needs of their pupils as perceived by their parent clients.

This is not to conclude that any attempt to meet such needs and interests was inappropriate or that it represented an effort to subvert the system at the expense of the vast majority of pupils who attended schools with

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1. See Chapter IV, pp. 68-69.

less creative or influential principals. One of the primary motivating factors may well have been to try to keep middle class children -- black as well as white -- in the public schools, a factor that many administrators, rightly or wrongly, believe is crucial to maintaining a strong and effective public school system. Rather, such practices only serve to illustrate how resources come to be distributed in a manner that appeared to benefit select groups of children.

Operational practices of some special subject supervisors in the central office also contributed to the disparities, for some of the same reasons. Some supervisors assigned teachers where they would "do the most good" while others were strongly influenced by teacher preferences. For example, closeness of a school to the teacher's home might have been given more preference in teacher assignment than the need of various schools for his or her services. In addition, some special subject teachers with support from principals persuaded their supervisors that pupils in certain schools were particularly ready for creative enrichment experiences. As a result, very small schools serving predominantly middle class pupils often had full-time art, music, and physical education teachers while larger schools in poorer neighborhoods had only the services of itinerant teachers in those subjects.

In summary, staffing procedures such as those described above, deliberate or otherwise, contributed to the significant discrepancies among schools that were revealed by Hobson in his 1971 court case.

Allocation of Equalization Resources in 1974

What has been the effect of three years of equalization on the allocation of resources in formerly high and low spending schools? Has the equalization of teacher resources affected the distribution of other services to the schools? Has attention to dollar expenditures also served to correct discrepancies in pupil/teacher ratios?

An examination of the data in Table V-11 reveals that there has been a considerable shift from the wide discrepancies that were evident between the low and high spending schools in 1971. The low spending schools in January 1974 have a per pupil expenditure range between $447 and $618 for classroom teachers, with a mean of $508, whereas the high spending schools range between $406 and $745 with a mean of $534 for classroom teachers. There is considerable overlap in the distributions of the two groups.

The special subject teacher expenditures which formerly favored the high spending schools now favor the low spending schools: now all low spending schools have special subject teachers and 5 high spending schools have none. The low spending schools now spend between $51 and $146 per pupil on special subject teachers with a mean of $110; whereas, the high spending schools have a range of expenditures of $36 to $219 with a mean of $105. This uneven distribution of special subject teacher expenditures reflects the policy decision of the administration which called for the equalization of dollar resources through the shifting of only special subject teachers.[1]

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[1] See Chapter IV, p. 80.

TABLE V-11

EQUALIZATION PER PUPIL EXPENDITURES
(1974)

LOW SPENDING				HIGH SPENDING			
School	Classroom	Special Subject	Total	School	Classroom	Special Subject	Total
Bancroft	$501	$133	$634	Bowen	$496	$181	$677
Congress Heights	511	146	657	Cleveland	557	73	630**
Davis	541	75	616**	Edmonds	423	219	642
Draper	458	119	577**	Fillmore*	680	---	680
Emery	511	97	608**	Garrison	492	170	662
Kenilworth	547	76	623**	Giddings	518	175	693
Ketcham	496	102	598**	Grimke	552	86	638
Kimball	491	102	593**	Hardy*	626	36	662
Lenox	618	51	669	Harrison	497	61	558**
McGogney	534	116	650	Hyde*	598	---	598**
Nalle	540	140	680	Janney*	522	153	675
Noyes	515	89	604**	Key*	635	---	635
Orr	447	134	581**	Murch*	602	54	656
Rudolph	524	106	630**	Nichols Ave.	406	113	519**
Savoy	474	114	588**	Petworth	483	96	579**
Simon	493	117	610**	River Terrace	612	100	712**
Slowe	585	76	661	Stevens	745	---	745**

Continued.....

TABLE V-11

EQUALIZATION PER PUPIL EXPENDITURES

(1974)
(Continued)

LOW SPENDING				HIGH SPENDING			
School	Classroom	Special Subject	Total	School	Classroom	Special Subject	Total
Smothers	$531	$119	$650	Stoddert*	$590	---	$590**
Tubman	470	124	594**				
Walker Jones	469	125	594**				
WEIGHTED MEAN	$508	$110	$619**	WEIGHTED MEAN	$534	$105	$639

*West of the Park

**Deviates from November 1973 compliance report city wide mean $665.45 (±5% or range $633.13 to $699.77). Schools are therefore not in compliance with the Wright decree.

Source: Compiled from January 1974 official school membership, October 1973, and January 1974 payrolls. Data includes calculations for benefits.

as well as the preference on the part of principals and parents in school-by-school budgeting to shift special subject teachers rather than classroom teachers.

The total equalization expenditures for the two groups again reflect considerable overlap. The low spending schools range from $577 to $680, while the high spending schools range between $519 and $745. A comparison of the mean difference for the two groups indicates that the 49% difference of 1971 for the two groups had been reduced to 3% in 1974.

Despite the closeness of the means for the high and low spending school groups there are wide discrepancies among individual schools. Judge Wright ruled that each school should be within ± 5% of the District mean. If we use the District-wide mean as reported in the November 1973 report to the court as the standard against which our 38 schools are measured,[1] we find that 21 schools (13 low spending and 8 high spending) are out of compliance with the court report. Table V-12 indicates the areas of agreement and difference between the November 1973 compliance report and the January 1974 membership. While there is considerable agreement between the two, it is the differences that are at issue when we are considering compliance with the court order. The November 1973 report to the court indicates that the District-wide mean for equalization expenditures is $665.45, and that the range of deviation for for compliance is between $633.13 and $699.77. Table V-12 based on actual resources in the schools in January 1974, as reported on the membership lists

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1. The resources reported to the court should have been in the schools by January 1974. The November Compliance Report is sent to the court by December 1. Teacher transfers are authorized when the Board sends the report to the court. The teachers are moved in December and should appear at the new assignments on the January 1974 official school membership lists.

submitted by the principals, indicates that 13 of the schools out of compliance are formerly low spending schools. Each of these schools is below the minimum expenditure required for compilance. Eight of the formerly high spending schools are out of compliance. Two of these schools, one in Anacostia, and one in the Center City are spending more than the allowed allocation. Two Model schools two West of the Park schools, one Anacostia and one Center City school are below the required per pupil expenditure for compliance.

Why the Disparities in 1974?

Table V-13 indicates the differences that exist between the staff reported in the schools in January 3, 1974 and the staff allegedly assigned to those schools by the administration following the Board's November 1973 changes recommended for compliance. A glance at that table indicates that the differences are caused generally by four factors.

1. Staff persons assigned to schools do not appear or do not render the amount of services specified. For example, low spending Davis School had a science teacher assigned who did not appear. In addition, a reading teacher assigned three days a week (60%) only taught there two days a week (40%).

2. Vacancies go unfilled. Looking at low spending Davis School again, positions for a reading teacher and for 20% services of a language arts teacher were allocated to that school but such staff were not there. Discussion with several of the supervisors of special subjects indicated that the likelihood of finding qualified candidates for those positions was dim.

3. Vacancies get filled but for less money than was originally allocated for the position. Using Davis again as an example, there was a vacancy for a third grade teacher at an estimated cost of $14,123 however, the replacement teacher only cost $9,982. This resulted in a reduction to the school of $4,141 or the salary for one or two days of services of an itinerant special subject

TABLE 12

AGREEMENT AND DIFFERENCE IN DOLLAR EXPENDITURES BETWEEN MEMBERSHIP AND COMPLIANCE REPORTS:

HIGH SPENDING SCHOOLS

School	January 1974 Membership (M) Enrollment	Total Dollars	Dollar Per Pupil	November 1973 Compliance Report (C) Enrollment	Total Dollars	Dollar Per Pupil	Equal ±5%	Comparisons Staff Dollar Agreement	Total Dollar Difference (C-M)
Bowen	445	$301,446	$677	456	$310,306	$681	2.37%	$284,829	$ - 8,860
Cleveland	252	158,867	630**	248	162,614	655	-1.46	156,965	- 3,747
Edmonds	98	62,926	642	98	67,911	693	4.14	40,792	- 4,985
Fillmore *	116	78,889	680	113	78,889	698	4.91	78,889	0
Garrison	722	477,493	662	720	478,686	664	-.09	447,664	- 1,193
Giddings	267	185,070	693	266	185,070	697	4.75	185,070	0
Grimke	268	170,920	638	280	184,959	661	.73	156,279	- 14,039
Hardy*	104	68,839	662	108	68,839	637	-4.21	68,839	0
Harrison	378	211,579	558**	372	239,826	645	-3.12	211,579	- 28,246
Hyde*	118	70,613	598	120	80,625	672	.91	61,102	- 10,012

*West of Park School

**Out of compliance with November 1973 Report Mean

Source compiled from November 1973 Compliance Report, January 1974 official school membership lists and January 1974 payroll calculations and benefits included.

Continued.....

TABLE 12

AGREEMENT AND DIFFERENCE IN DOLLAR EXPENDITURES BETWEEN MEMBERSHIP AND COMPLIANCE REPORTS:

HIGH SPENDING SCHOOLS

School	January 1974 Membership (M)			November 1973 Compliance Report (C)			Comparisons		
	Enrollment	Total Dollars	Dollar Per Pupil	Enrollment	Total Dollars	Dollar Per Pupil	Equal ±5%	Staff Dollar Agreement	Total Dollar Difference (C-M)
Janney	282	$190,471	$675	279	$194,189	$697	4.78%	$180,211	$ - 3,718
Key*	85	53,961	635	85	57,745	679	2.09	53,961	- 3,784
Murch*	496	325,590	656	469	326,080	695	4.48	303,188	- 490
Nichols	333	172,735	519**	341	221,407	649	-2.43	164,826	-48,673
Petworth	449	260,163	579**	428	273,337	639	-4.03	240,118	-13,174
River Tr.	313	222,896	712**	314	218,151	695	4.40	211,035	+ 4,744
Stevens	120	89,439	745**	128	89,439	698	5.00	89,439	0
Stoddert*	104	61,389	590**	112	70,817	635	-4.56	61,389	- 9,428

*West of Park School

**Out of compliance with November 1973 Report Mean

Source: compiled from November 1973 Compliance Report, January 1974 official school membership lists and January 1974 payroll calculations, and benefits included.

Continued.....

TABLE V-12

AGREEMENT AND DIFFERENCE IN DOLLAR EXPENDITURES BETWEEN MEMBERSHIP AND COMPLIANCE REPORTS:

LOW SPENDING SCHOOLS

	January 1974 Membership (M)			November 1973 Compliance Report (C)			Comparisons		
Schools	Enrollment	Total Dollars	Dollar Per Pupil	Enrollment	Total Dollars	Dollar Per Pupil	Equal ±5%	Staff Dollar Difference	Total Dollar Difference (C-M)
Bancroft	706	$447,556	$634	726	$473,768	$653	-1.87%	$423,357	$-26,214
Congress Hts.	775	508,984	657	780	506,282	649	-2.46	485,473	+ 2,707
Davis	947	583,439	616**	976	617,559	633	-4.87	566,754	-34,171
Draper	921	530,873	577**	915	579.853	634	-4.72	494,727	-48,980
Emery	835	507,623	608**	809	514,055	635	-4.51	452,885	-6,432
Kenilworth	587	365,936	623**	585	404,423	692	3.98	325,525	-38,487
Ketcham	877	524,791	598**	875	556,805	636	-4.37	486,865	-32,014
Kimball	854	506,440	593**	868	555,251	640	-3.87	476,869	-48,811
Lenox	190	127,182	669	187	127,334	681	2.23	123,380	- 152
McGogney	906	589,149	650	926	616,550	666	.06	547,670	-24,401
Nalle	817	555,161	680	846	557,740	660	-.87	531,439	- 2,580

** Out of compliance with November 1973 Report to compliance district-wide mean.

Source: Compiled from November 1973 Compliance Report, January 1974 official school membership lists and January 1974 payroll calculations and benefits included.

Continued.....

TABLE V-12

AGREEMENT AND DIFFERENCE IN DOLLAR EXPENDITURES BETWEEN MEMBERSHIP AND COMPLIANCE REPORTS:

LOW SPENDING SCHOOLS

Schools	January 1974 Membership (M)			November 1973 Compliance Report (C)				Comparisons	
	Enrollment	Total Dollars	Dollar Per Pupil	Enrollment	Total Dollars	Dollar Per Pupil	Equal ±5%	Staff Dollar Agreement	Total Dollar Difference (C-M)
Noyes	516	$311,848	$604**	507	$324,489	$640	-3.82%	$271,690	$ -12,641
Orr	446	259,150	581**	448	285,371	637	-4.28	252,831	-26,221
Rudolph	820	516,437	630**	816	527,648	647	-2.83	466,357	-11,211
Savoy	833	489,670	588**	785	532,310	678	1.90	426,887	-42,640
Simon	1,035	631,812	610**	1,005	645,685	642	-3.45	602,606	-13,873
Slowe	616	407,177	661	614	417,906	681	2.36	378,301	-10,730
Smothers	528	342,959	650	527	342,959	651	-2.20	331,944	0
Tubman	820	486,603	594**	820	535,786	653	-1.81	444,976	-49,183
Walker-Jones	581	344,979	594**	591	375,674	636	-4.48	313,029	-30,695

** Out of compliance with November 1973 Report to compliance district-wide mean.

Source: compiled from November 1973 Compliance Report, January 1974 official school membership lists and January 1974 payroll calculations and benefits included.

TABLE V-1 3

DIFFERENCES BETWEEN MEMBERSHIP LIST AND RESOURCES REPORT TO THE COURT
TWENTY LOW SPENDING SCHOOLS

School (Enrollment)	Membership List (M) Filled Positions January 6, 1974			Compliance Report Resources (c) November 28, 1973		
	Teacher	Percent	Salary	Teacher	Percent	Salary
Bancroft (706)	Foreign Language	.50	$4,753	Foreign Language	.60	$5,704
	Foreign Language	.50	5,695	Foreign Language	.55	6,264
	Math	1.00	13,749	Math*	1.00	14,123
				Art*	.50	7,062
				Reading [1]	1.00	17,258
	TOTAL	2.00	24,197	TOTAL	3.65	50,411
DIFFERENCE (M-C)		-1.65	-26,214			
DIFFERENCE DUE TO VACANCY		-.50	-7,062			
Congress Heights (775)	4th grade	1.00	9,511	4th grade*	.40	5,649
	6th grade*	1.00	14,000	5th grade	1.00	9,511
				Math*	.40	5,649
	TOTAL	2.00	23,511	TOTAL	1.80	20,809
DIFFERENCE (M-C)		+.20	+2,702			
DIFFERENCE DUE TO VACANCY		-.40	-5,649			

* Vacancy

Continued.....

1. This person was also on the membership list as a counselor which is not a staff position included in compliance.

TABLE V-1 3

DIFFERENCE BETWEEN MEMBERSHIP LIST AND RESOURCES REPORT TO THE COURT
TWENTY LOW SPENDING SCHOOLS
(Continued)

School (Enrollment)	Membership List (M) Filled Positions January 6, 1974			Compliance Report Resources (C) November 28, 1973		
	Teacher	Percent	Salary	Teacher	Percent	Salary
Davis (947)	3rd grade	1.00	$9,982	3rd grade*	$1.00	$14,123
	Reading	.40	6,702			
				Art	.40	4,556
				Language Arts*	.20	2,825
				Reading*	1.00	14,123
				Reading	.60	10,053
				Science	.40	5,125
	TOTAL	1.40	16,684	TOTAL	3.60	50,805
DIFFERENCE (M-C)		-2.20	-34,121			
DIFFERENCE DUE TO VACANCY		-1.20	-16,948			
Draper (921)	2nd grade	1.00	9,475	2nd grade	1.00	12,807
	Kindergarten	1.00	10,291	Kindergarten	1.00	12,336
	Foreign Language	.50	6,874	Foreign Language	.25	-3,437
	Latin	1.00	9,506	Latin	.60	5,703
				Language Arts*	1.00	14,123
				Math*	.60	8,474
				Reading*	1.00	14,123
				Science*	1.00	14,123
	TOTAL	3.50	36,146	TOTAL	6.45	85,126
DIFFERENCE (M-C)		-2.95	-48,980			
DIFFERENCE DUE TO VACANCY		-3.60	-50,843			

* Vacancy

Continued.....

TABLE V-13

DIFFERENCES BETWEEN MEMBERSHIP LIST AND RESOURCES REPORTED TO THE COURT
TWENTY LOW SPENDING SCHOOLS
(Continued)

School (Enrollment)	Membership List (M) Filled Positions January 6, 1974			Compliance Report Resources (C) November 28, 1973		
	Teacher	Percent	Salary	Teacher	Percent	Salary
Emery (835)	4th grade	1.00	$9,511			
	5th grade	1.00	11,111	1st grade	$1.00	$12,807
	6th grade	1.00	11,111	5th grade	1.00	12,812
	6th grade	1.00	9,511	6th grade*	1.00	14,123
	Art	1.00	9,511	Art*	1.00	14,123
	Latin	.30	3,983	Latin	.25	3,319
				Foreign Language	.35	3.986
	TOTAL	5.30	54,738	TOTAL	4.60	61,170
DIFFERENCE (M-C)		+.70	-6,432			
DIFFERENCE DUE TO VACANCY		0	0			
Kenilworth (587)	1st grade	1.00	9,511	1st grade	1.00	14,695
	4th grade*	1.00	14,000	4th grade	1.00	18,922
	Language Arts	1.00	16,900	Language Arts	.60	10,139
				4th grade	1.00	13,748
				Art	.50	5,320
				Foreign Language	.37	4,214
				Music	1.00	11,860
	TOTAL	3.00	40,411	TOTAL	5.47	78,898
DIFFERENCE (M-C)		-2.47	-38,487			
DIFFERENCE DUE TO VACANCY		0	0			

*Vacancy

Continued.....

TABLE V-13

DIFFERENCES BETWEEN MEMBERSHIP LISTS AND RESOURCES REPORTED TO THE COURT
TWENTY LOW SPENDING SCHOOLS
(Continued)

School (Enrollment)	Membership List (M) Filled Positions January 6, 1975			Compliance Report Resources (C) November 28, 1973		
	Teacher	Percent	Salary	Teacher	Percent	Salary
Ketcham (877)	3rd grade*	1.00	$14,000	2nd grade	$1.00	$ 9,506
	Music	1.00	9,886	Music*	1.00	14,123
	Science	1.00	14,040	Science*	1.00	14,123
				1st grade[1]	1.00	18,440
				1st grade	1.00	13,748
	TOTAL	3.00	37,926	TOTAL	5.00	69,940
DIFFERENCE (M-C)		-2.00	-32,014			
DIFFERENCE DUE TO VACANCY		0	0			
Kimball (854)	3rd grade	1.00	9,511	2nd grade	1.00	12,336
	4th grade*	1.00	14,000	3rd grade	1.00	16,899
	Music	.40	6,060	Music*	.40	5,649
				Math*	1.00	14,123
				Music	1.00	10,453
				Reading	1.00	18,922
	TOTAL	2.40	29,571	TOTAL	5.40	78,382
DIFFERENCE (M-C)		-3.00	-38,811			
DIFFERENCE DUE TO VACANCY		-1.00	-14,123			

* Vacancy

1. This person was also on the membership list, but as a counselor, a staff position not included in compliance.

Continued.....

TABLE V-13

DIFFERENCES BETWEEN MEMBERSHIP LISTS AND RESOURCES REPORTED TO THE COURT
TWENTY LOW SPENDING SCHOOLS
(Continued)

School (Enrollment)	Membership List (M) Filled Positions January 6, 1974			Compliance Report Resources (C) November 28, 1973		
	Teacher	Percent	Salary	Teacher	Percent	Salary
Lenox (190)	Physical Ed.	.40	$3,802	Physical Ed.	.40	$ 3,954
	TOTAL	.40	3,802	TOTAL	.40	3,954
DIFFERENCE (M-C)		0	- 152			
DIFFERENCE DUE TO VACANCY		0	0			
McGogney (906)	2nd grade*	1.00	14,000	2nd grade	1.00	12,336
	Latin	.20	2,679	Latin	.40	5,358
	Math	.40	5,878	Math	.60	8,817
	Reading	1.00	18,922			
				Language Arts*	1.00	14,123
				Math*	1.00	14,123
				Physical Ed.	1.00	14,123
	TOTAL	2.60	41,479	TOTAL	5.00	68,880
DIFFERENCE (M-C)		-2.40	-27,401			
DIFFERENCE DUE TO VACANCY		-3.00	-42,369			

* Vacancy

Continued.....

TABLE V-13

DIFFERENCES BETWEEN MEMBERSHIP LISTS AND RESOURCES REPORTED TO THE COURT
TWENTY LOW SPENDING SCHOOLS
(Continued)

School (Enrollment)	Membership List (M) Filled Pisitions January 6, 1975			Compliance Report Resources (C) November 28, 1973		
	Teacher	Percent	Salary	Teacher	Percent	Salary
Nalle (817)	Foreign Language	.50	$8,685	Foreign Language	.60	$10,422
	Foreign Language	.40	3,358	Foreign Language	.30	4,019
	Music	.40	4,744	Music	1.00	11,860
	Music	.40	4,934			
	TOTAL	1.70	23,721	TOTAL	1.90	26,301
DIFFERENCE (M-C)		-.20	-2,580			
DIFFERENCE DUE TO VACANCY		0	0			
Noyes (516)	1st grade	1.00	9,511	1st grade*	1.00	14,123
	4th grade	1.00	12,812	3rd grade	1.00	11,485
	Foreign Language	.70	7,972	Foreign Language	.40	4,594
	Music	.40	4,505	Music*	.40	5,649
	Art	.40	5,358			
				Math*	1.00	14,123
				Reading*	.20	2,825
	TOTAL	3.50	40,158	TOTAL	4.00	52,799
DIFFERENCE (M-C)		-.50	-12,641			
DIFFERENCE DUE TO VACANCY		-1.20	-16,948			

* Vacancy

Continued.....

TABLE V-13

DIFFERENCES BETWEEN MEMBERSHIP LISTS AND RESOURCES REPORTED TO THE COURT
TWENTY LOW SPENDING SCHOOLS
(Continued)

School (Enrollment)	Membership List (M) Filled Positions January 6, 1974			Compliance Report Resources (C) November 28, 1973		
	Teacher	Percent	Salary	Teacher	Percent	Salary
Orr (446)	Science	.20	$2,939	Science	.10	$ 1,470
	Math	.20	3,380			
				Reading*	1.00	14,123
				Reading*	.80	11,298
				Science*	.40	5,649
	TOTAL	.40	6,319	TOTAL	2.30	32,540
DIFFERENCE (M-C)		-1.90	-26,221			
DIFFERENCE DUE TO VACANCY		-2.20	-31,070			
Rudolph (820)	4th grade*	1.00	14,000			
	Art	1.00	12,336	4th grade	1.00	11,860
				Art*	1.00	14,123
	1st grade	1.00	9,886			
	Math	.40	3,805			
	Music	.60	10,053			
				Art*	.50	7,062
				Reading*	1.00	14,123
				Reading*	1.00	14,123
	TOTAL	4.00	50,080	TOTAL	4.50	61,291
DIFFERENCE (M-C)		-.50	-11,211			
DIFFERENCE DUE TO VACANCY		-2.50	-35,308			

* Vacancy

Continued.....

TABLE V-13

DIFFERENCES BETWEEN MEMBERSHIP LISTS AND RESOURCES REPORTED TO THE COURT
TWENTY LOW SPENDING SCHOOLS
(Continued)

School (Enrollment)	Membership List (M) Filled Positions January 6, 1974			Compliance Report Resources (C) November 28, 1973		
	Teacher	Percent	Salary	Teacher	Percent	Salary
Savoy (833)	1/2nd grade	1.00	$9,511	1st grade	1.00	$14,561
	2nd grade	1.00	10,260	1st grade	1.00	18,922
	K/1st grade	1.00	9,511	1st grade	1.00	15,166
	5th grade	1.00	11,395	1st grade	1.00	13,277
	Art	1.00	11,860	5th grade*	1.00	14,123
	Foreign Language	.80	10,246	Art	.80	9,488
				Foreign Language	.45	5,763
				Math*	1.00	14,123
	TOTAL	5.80	62,783	TOTAL	7.25	105,423
DIFFERENCE (M-C)		-1.45	-42,640			
DIFFERENCE DUE TO VACANCY		-1.00	-14,123			
Simon (1035)	4th grade	1.00	9,511	4th grade*	1.00	14,123
	Foreign Language	.50	5,695	Foreign Language	.55	6,264
	Resource*	1.00	14,000			
				4th grade	1.00	9,885
				4th grade	1.00	12,807
	TOTAL	2.50	29,206	TOTAL	3.55	43,079
DIFFERENCE (M-C)		-1.05	-13,873			
DIFFERENCE DUE TO VACANCY		0	0			

* Vacancy

Continued.....

TABLE V-13

DIFFERENCES BETWEEN MEMBERSHIP LISTS AND RESOURCES REPORTED TO THE COURT
TWENTY LOW SPENDING SCHOOLS
(Continued)

School (Enrollment)	Membership List (M) Filled Positions January 6, 1974			Compliance Report Resources (C) November 28, 1975		
	Teacher	Percent	Salary	Teacher	Percent	Salary
Slowe (616)	Language Arts	.40	$7,376	Language Arts	.60	$11,064
	Math	.40	4,744	Math*	.40	5,649
	Reading	1.00	16,755	Reading	.80	13,404
				Physical Ed.	.80	9,488
	TOTAL	1.80	28,875	TOTAL	2.60	39,605
DIFFERENCE (M-C)		-.80	-10,730			
DIFFERENCE DUE TO VACANCY		0	0			
Smothers (528)	Physical Ed.	1.00	11,015	Physical Ed.	1.00	11,015
	TOTAL	1.00	11,015	TOTAL	1.00	11,015
DIFFERENCE (M-C)		0	0			
DIFFERENCE DUE TO VACANCY		0	0			

* Vacancy

Continued.....

TABLE V-13

DIFFERENCES BETWEEN MEMBERSHIP LISTS AND RESOURCES REPORTED TO THE COURT
TWENTY LOW SPENDING SCHOOLS
(Continued)

School (Enrollment)	Membership List (M) Filled Positions January 6, 1974			Compliance Report Resources (C)		
	Teacher	Percent	Salary	Teacher	Percent	Salary
Tubman (820)	6th grade	1.00	$13,749	5th grade*	1.00	$14,123
	Art	1.00	9,511	Art	1.00	9,506
	Foreign Language	.50	5,555	Foreign Language	.40	4,292
	Science	1.00	12,812	Science	1.00	11,014
				6th grade	1.00	9,506
				Music*	1.00	14,123
				Physical Ed.*	1.00	14,123
				Reading*	1.00	14,123
	TOTAL	3.50	41,627	TOTAL	7.40	90,810
DIFFERENCE (M-C)		-3.90	-49,183			
DIFFERENCE DUE TO VACANCY		-3.00	-42,369			

* Vacancy

Continued.....

TABLE V-13

DIFFERENCES BETWEEN MEMBERSHIP LISTS AND RESOURCES REPORTED TO THE COURT
TWENTY LOW SPENDING SCHOOLS
(Continued)

School (Enrollment)	Membership List (M) Filled Positions January 6, 1974			Compliance Report Resources (C) November 23, 1973		
	Teacher	Percent	Salary	Teacher	Percent	Salary
Walker Jones (581)	3rd grade	1.00	$9,511	2nd grade*	1.00	$14,123
	4/5th grade	1.00	9,511	4th grade	1.00	11,014
	Foreign Language	.30	3,417	Foreign Language	.40	4,594
	6th grade	1.00	9,511			
				Art	1.00	5,358
				Language Arts*	.50	7,062
				Math	.20	3,263
				Music	.40	5,878
				Reading	.40	7,569
				Reading	.20	3,784
	TOTAL	3.30	31,950	TOTAL	5.10	62,645
DIFFERENCE (M-C)		-1.80	-30,695			
DIFFERENCE DUE TO VACANCY		- .50	- 7,062			

*Vacancy

TABLE V-13

DIFFERENCES BETWEEN MEMBERSHIP LISTS AND RESOURCES REPORTED TO THE COURT
EIGHTEEN HIGH SPENDING SCHOOLS

School (Enrollment)	Membership List (M) Filled Positions January 6, 1974			Compliance Report Resources (C) November 28, 1973		
	Teacher	Percent	Salary	Teacher	Percent	Salary
Bowen (445)	Reading	1.00	$12,812	Reading*	1.00	$14,123
	Science	.40	3,805	Science*	.20	2,825
				Science*	.20	2,825
				Science	.60	5,704
	TOTAL	1.40	16,617	TOTAL	2.00	25,477
DIFFERENCE (M-C)		-.60	-8,860			
DIFFERENCE DUE TO VACANCY		-.40	-4,650			
Cleveland (252)	Math	.20	1,902	Reading*	.40	5,649
	TOTAL	.20	1,902	TOTAL	.40	5,649
DIFFERENCE (M-C)		-.20	-3,747			
DIFFERENCE DUE TO VACANCY		-.40	-5,649			

* Vacancy

Continued.....

TABLE V-13

DIFFERENCES BETWEEN MEMBERSHIP LISTS AND RESOURCES REPORTED TO THE COURT
EIGHTEEN HIGH SPENDING SCHOOLS
(Continued)

School (Enrollment)	Membership List (M) Filled Positions January 6, 1974			Compliance Report Resources (C) November 28, 1973		
	Teacher	Percent	Salary	Teacher	Percent	Salary
Edmonds (98)	Math	.20	$3,351	Math	.40	$6,702
	Physical Ed.	.20	1,901	Physical Ed.	.20	1,977
	4th grade	1.00	9,506			
	1st grade	.40	7,376	1st grade	1.00	18,440
	TOTAL	1.80	22,134	TOTAL	1.60	27,119
DIFFERENCE (M-C)		-.20	-4,985			
DIFFERENCE DUE TO VACANCY		0	0			
Fillmore (116)	-----	---	-----	-----	----	-----
	TOTAL	0	0		0	0
DIFFERENCE (M-C)		0	0			
DIFFERENCE DUE TO VACANCY		0	0			
Garrison (722)	3rd grade	1.00	11,389	2nd grade	1.00	16,899
	Math	1.00	18,440	Kindergarten*	1.00	14,123
	TOTAL	2.00	29,289	TOTAL	2.00	31,022
DIFFERENCE (M-C)		0	-1,193			
DIFFERENCE DUE TO VACANCY		-1.00	-14,123			

* Vacancy

Continued.....

TABLE V-13

DIFFERENCES BETWEEN MEMBERSHIP LISTS AND RESOURCES REPORTED TO THE COURT
EIGHTEEN HIGH SPENDING SCHOOLS
(Continued)

School (Enrollment)	Membership List (M) Filled Positions January 6, 1974			Compliance Report Resources (C) November 28, 1973		
	Teacher	Percent	Salary	Teacher	Percent	Salary
Giddings (267)	-------	0	0	-------	0	0
	TOTAL	0	0	TOTAL	0	0
DIFFERENCE (M-C)		0	0			
DIFFERENCE DUE TO VACANCY		0	0			
Grimke (268)	5th grade	1.00	$9,511	5th grade	1.00	$10,453
	Physical Ed.	.50	5,130	Physical Ed.	.40	4,104
				Reading*	1.00	14,123
	TOTAL	1.50	14,641	TOTAL	2.40	28,680
DIFFERENCE (M-C)		-.90	-14,039			
DIFFERENCE DUE TO VACANCY		-1.00	-14,123			
Hardy	-------	0	0	-------	0	0
	TOTAL	0	0	TOTAL	0	0
DIFFERENCE (M-C)		0	0			
DIFFERENCE DUE TO VACANCY		0	0			

* Vacancy

Continued.....

TABLE V-13

DIFFERENCES BETWEEN MEMBERSHIP LISTS AND RESOURCES REPORTED TO THE COURT
EIGHTEEN HIGH SPENDING SHCOOLS
(Continued)

School (Enrollment)	Membership List (M) Filled Positions January 6, 1974			Compliance Report Resources (C) November 28, 1973		
	Teacher	Percent	Salary	Teacher	Percent	Salary
Hyde (118)	Kindergarten	1.00	$9,511	Kindergarten	1.00	$10,260
				Physical Ed.	.20	2,561
				Reading [1]	.40	6,702
	TOTAL	1.00	9,511	TOTAL	1.60	19,523
DIFFERENCE (M-C)		.60	-10,012			
DIFFERENCE DUE TO VACANCY		0	0			
Janney (282)	2nd grade	1.00	10,260	4th grade	1.00	13,978
	TOTAL	1.00	10,260	TOTAL	1.00	13,978
DIFFERENCE (M-C)		0	-3,784			
DIFFERENCE DUE TO VACANCY		0	0			

* Vacancy

1. This person is on the membership list, but is paid from Title I funds.

Continued.....

TABLE V-13

DIFFERENCES BETWEEN MEMBERSHIP LISTS AND RESOURCES REPORTED TO THE COURT
EIGHTEEN HIGH SPENDING SCHOOLS
(Continued)

School (Enrollment)		Membership List (M) Filled Positions January 6, 1974			Compliance Report Resources (C) November 28, 1973		
		Teacher	Percent	Salary	Teacher	Percent	Salary
Key (85)		-------	0	0	Foreign Language	.20	$3,784
		TOTAL	0	0	TOTAL	.20	3,784
	DIFFERENCE (M-C)		-.20	-3,784			
	DIFFERENCE DUE TO VACANCY		0	0			
Murch (496)		Foreign Language	.20	3,380	Foreign Language	.50	8,450
		1st grade	1.00	9,511	1st Grade	1.00	10,640
		Physical Ed.	1.00	9,511	Physical Ed.	.40	3,802
		TOTAL	2.20	22,402	TOTAL	1.90	22,892
	DIFFERENCE (M-C)		+.30	- 490			
	DIFFERENCE DUE TO VACANCY		0	0			

* Vacancy

Continued.....

TABLE V-13

DIFFERENCES BETWEEN MEMBERSHIP LISTS AND RESOURCES REPORTED TO THE COURT
EIGHTEEN HIGH SPENDING SCHOOLS
(Continued)

School (Enrollment)	Membership List (M) Filled Positions January 6, 1974			Compliance Report Resources (C) November 28, 1973		
	Teacher	Percent	Salary	Teacher	Percent	Salary
Nichols Avenue (333)				Art	.20	$2,372
				Kindergarten*	1.00	14,123
				Kindergarten[1]	1.00	11,860
	Music	.40	3,804	Music*	.40	5,649
				Reading*	.40	5,649
				Math*	.40	5,649
	Physical Ed.	.40	4,104	Physical Ed.	.60	8,156
				Physical Ed.	.40	5,123
	TOTAL	.80	7,908	TOTAL	4.40	56,581
DIFFERENCE (M-C)		-3.60	-48,673			
DIFFERENCE DUE TO VACANCY		-1.80	-25,421			
Petworth (449)	1st grade	1.00	9,511	Art*	1.00	14,123
	Art	.40	4,934	Art	1.00	12,336
	Music	.40	5,600	Music	.40	6,760
	TOTAL	1.80	20,045	TOTAL	2.40	33,219
DIFFERENCE (M-C)		-.60	-13,174			
DIFFERENCE DUE TO VACANCY		0	0			

* Vacancy

Continued.....

1. This person is on the membership list, but paid from Federal funds under the Follow-Through project.

TABLE V-13

DIFFERENCES BETWEEN MEMBERSHIP LISTS AND RESOURCES REPORTED TO THE COURT
EIGHTEEN HIGH SPENDING SCHOOLS
(Continued)

School (Enrollment)	Membership List (M) Filled Positions January 6, 1974			Compliance Report Resources (C) November 28, 1973		
	Teacher	Percent	Salary	Teacher	Percent	Salary
River Terrace (313)	Music	1.00	11,860	Music	.60	7,116
	TOTAL	1.00	11,860	TOTAL	.60	7,116
DIFFERENCE (M-C)		+.40	+4,744			
DIFFERENCE DUE TO VACANCY		0	0			
Stevens (120)	-------	0	0	-------	0	0
	TOTAL	0	0	TOTAL	0	0
DIFFERENCE (M-C)		0	0			
DIFFERENCE DUE TO VACANCY		0	0			
Stoddert (104)				Music	.20	3,688
				Music	.20	3,688
				Physical Ed.	.20	2,052
	TOTAL	0	0	TOTAL	.60	9,428
DIFFERENCE (M-C)		.60	-9,428			
DIFFERENCE DUE TO VACANCY		0	0			

*Vacancy

teacher. The vacancy salary figure $14,123 represents the average salary including benefits for a teacher in the District of Columbia in 1973-74. While this figure may well represent the average salary of all teachers, it is certainly inflated if one computes the average salary of new teachers who are hired to fill vacancies: in our 38-school sample the average salary for a teacher filling a vacancy was $11,085, considerable below the $14,123 budgeted for replacement.

4. Staff positions listed on the compliance report are actually paid for out of Federal funds, or someother source outside the regular budget. For example, Davis School in the low spending group had a reading teacher assigned to the school as part of compliance, but the payroll indicated that Title I funds paid for her salary.

The 10% range in compliance was intended to give some flexibility to the administration for assignment of personnel, and to permit a leeway to exist so as to absorb changes in enrollment and staffing within individual schools. Table V-14 examines the schools that were pushed out of compliance because of the differences cited in Table V-13. Three factors seem to contribute most substantially to putting schools out of compliance.

1. A large amount of missing staff: The 10% leeway for compliance only allows for a range of $66 per pupil expenditure, so that even if a school is budgeted at the maximum(5.00%) allowable expenditure it can still be out of compliance if the per pupil expenditure of missing staff is over $66. For example, low spending Kenilworth School had been equalized toward the maximum amount (3.98% or $691.91). Several staff members equaling $38,487 in expenditures did not arrive, however, thus throwing this medium sized school out of compliance. Missing staff members constitute an even bigger problem for small schools. For example, a school with 100 students, budgeted at the maximum allowable level, $69,999, would be out of compliance if one teacher, at a cost of $6,700 (3 days) failed to report to the school.

2. Equalizing at the extreme. When schools are equalized close to the bottom of the range they are very vulnerable, even if large, when staff does not appear. For example, low spending Emery School, with an enrollment of 835, was equalized at the bottom end (-4.51%). With the addition of a few more students between October 1973 and January 1974, Emery was out of compliance when only $6,432 worth of teacher services failed to appear at that school. Equalizing near the top of the range is equally as

TABLE V-14

EXPLANATION FOR NON-COMPLIANCE
Low Spending Schools

School	Enrollment	Difference	Per Pupil Difference	Explanation
Davis	947	$-34121	$-36	The major difficulty appears to be vacancies that go unfilled or are filled for less than the estimated amount. This school has been close to the bottom line in compliance (-4.87%) thus when promised staff does not arrive there is no leeway to maintain compliance.
Draper	921	-48980	$-53	This school was cited again and again in litigation as being underspent. It appears that it is still discriminated against. It, too, was near the bottom line on the compliance report (-4.72%) and therefore, suffered when staff did not arrive. Here again vacancies were a major factor.
Emery	835	- 6432	$- 8	Although the difference is small considering the size of the school population, the difficulty is that the school was near the compliance bottom (-4.51%) and could not afford even minimal shifts due to filling vacancies for less than estimated. In addition, the school increased its enrollment from October to January by 26 pupils thus needing an additional $16,458 for those students.
Kenilworth	587	-38487	$-66	Considerable promised staff did not arrive.
Ketcham	877	-32014	$-37	A person on the compliance report was listed by the principal as a counselor and therefore not eligible to be included in compliance. Again the school was near the bottom line for compliance (-4.37%) and thus fell below when staff did not appear.

Continued.....

TABLE V-14

EXPLANATION FOR NON-COMPLIANCE
Low Spending Schools
(Continued)

School	Enrollment	Difference	Per Pupil Difference	Explanation
Kimball	854	-48811	$-57	Assigned staff did not arrive and there was little leeway to absorb the missing staff because the projected expenditure was (-3.87%) from the compliance mean.
Noyes	516	-12641	$-24	Again the difficulty is the closeness of the bottom line to the projected expenditure (-3.82%) thus causing the school to be out of compliance when vacancies are not filled.
Orr	446	-26221	$-59	Vacancies were not filled.
Rudolph	820	-11211	$-14	This school is only three dollars away from compliance, and the failure to fill vacancies pushed the school below the bottom line.
Savoy	833	-42640	$-51	Despite the fact that this school was budgeted slightly above the mean (1.9%), replacement personnel were much less expensive than the expected staff. Vacancies went unfilled so that students were deprived of a $51 per pupil expenditure that had been projected to the court.
Simon	1035	-13873	$-13	The $13 per pupil expenditure in salaries that never arrived would have put this school right at the bottom line for compliance. Enrollment increased by 30 pupils at a cost of $18,000.

Continued.....

TABLE V-14

EXPLANATION FOR NON-COMPLIANCE
Low Spending Schools
(Continued)

School	Enrollment	Difference	Per Pupil Difference	Explanation
Tubman	820	-49183	$-60	This school was brought into compliance on paper by assigning four vacancies at a cost of over $50,000 to the school. Only one of the vacancies was filled, and several other staff members did not arrive.
Walker Jones	581	-30695	$-53	This school was at the bottom of the compliance (-4.48%). Promised staff never appeared.

Continued.....

TABLE V-1 4

EXPLANATION FOR NON-COMPLIANCE
High Spending Schools
(Continued)

School	Enrollment	Difference	Per Pupil Difference	Explanation
Cleveland	252	- 3747	$-15	A slight shift upward in enrollment, coupled with a loss of $15 per pupil expenditures served to put this school that was projected at only slightly below the mean (-1.46%) out of compliance by $3. per pupil.
Harrison	379	-28246	$-75	The assignment of two vacancies in the compliance report put this school, which was already toward the lower limit (-3.12%) beyond the minumum allowable expenditure.
Hyde	118	-10012	$-85	One person listed on the compliance report also appeared on the membership list; however, she was paid out of Title I funds and so should not be included in the report to the court. With a small school, just a few dollars difference in staff, or downward shift in enrollment, can cause the school to be out of compliance.
Nichol- Avenue	333	-48673	$-146	This school is the lowest of all 38 in our sample. It exemplifies all of the problems we have run into. Because of vacancies that weren't filled and staff that never arrived, as well as staff counted in compliance but actually paid for by the federal program Follow-Through, the discrepancy in this school amounted to $146 per pupil. In addition, the school lost 9 children equaling $5,697 at least in equalization benefits. It was also equalized originally below the mean (-2.43%).

Continued.....

TABLE V-14

EXPLANATION FOR NON-COMPLIANCE
High Spending Schools
(Continued)

School	Enrollment	Difference	Per Pupil Difference	Explanation
Petworth	449	-13174	$-29	The increase in enrollment coupled with the fact that the projected equalization was near the lower limit (-4.03%) put this school out of compliance.
River Terrace	313	4744	+15	This school was equalized towards the maximum allowable allocation (4.40%) and the additional staff that was not removed put the school over the amount permissable for equalization.
Stevens	120	----	+45	This school was equalized at the maximum (5.00%). The enrollment dropped between October and January from 128 to 120. The loss of those 8 children put the school out of compliance.
Stoddert	104	-9428	-91	This school was equalized at the minimum (-4.46%) If the school had received all the services promised, it would still have been well within the compliance range ($681) even though it lost 8 students who are carried on the compliance report. Rather, teachers who appear on the report but have failed to report to the school have put the school out of compliance.

Continued.....

troublesome, as high spending River Terrace demonstrates. This school of slightly over 300 students was out of compliance when one teacher failed to reduce the amount of her services to the school by 40% (two days) or $4,744.

3. Changes in enrollment. If the schools are equalized near the bottom of the range and the enrollment shifts upward, they will be out of compliance. Kenilworth School was an example of this phenomenon. On the other hand, if the school ie equalized near the top of the range and the enrollment shifts downward, the school will become out of compliance. High spending Stevens School is an example of this. Between October and January the school lost eight children and since it was equalized at the maximum allowable (+ 5% of $699) it was out of compliance with the loss of a single child.

Pupil/Teacher Ratios and Equalization

Judge Wright chose to focus on cost of classroom and special subject teachers, with longevity pay included, for two reasons. First, he believed that all children were equally entitled to the services of experienced teachers regardless of the size, age, or condition of the building they attended, or any special needs the children might have. Second, the school administration had indicated in testimony before Congress[1] that it considered teacher experience and training to be important educational factors. The Judge did not ask that there be an equalization in pupil/teacher ratios. Presumably he reasoned that those schools not having the highest paid teachers would compensate for the lack or experience and training by hiring more teachers and thereby lower the pupil/teacher ratios in the schools.

As the data in Table V-15 indicate, there has been an equalization of overall pupil/teacher ratios for staff being equalized in the two groups (22:1 for low spending schools; 21:1 for the high). There is

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1. The administration justified additional teacher salary funds before the Congressional Subcommittee on D.C. Appropriations by declaring there was a need for attracting more experienced and better trained teachers who would be more effective with the children. See Chapter III, page 55.

TABLE V - 15

EQUALIZATION PUPIL/STAFF RATIOS
1974

Low Spending				High Spending			
School	Classroom	Special Subject	Total	School	Classroom	Special Subject	Total
Bancroft	26:1	101:1	21:1	Bowen	26:1	77:1	20:1
Congress Hgts	27:1	93:1	21:1	Cleveland	23:1	158:1	20:1
Davis	26:1	175:1	22:1	Edmonds	25:1	70:1	18:1
Draper	27:1	106:1	22:1	Fillmore*	19:1	--	19:1
Emery	27:1	133:1	23:1	Garrison	27:1	30:1	21:1
Kenilworth	24:1	195:1	22:1	Giddings	27:1	89:1	21:1
Ketcham	26:1	129:1	21:1	Grimke	27:1	65:1	19:1
Kimball	28:1	126:1	23:1	Hardy*	21:1	520:1	20:1
Lenox	24:1	238:1	22:1	Harrison	27:1	211:1	24:1
McGogney	24:1	112:1	20:1	Hyde*	20:1	--	20:1
Nalle	24:1	106:1	20:1	Janney*	26:1	103:1	21:1
Noyes	27:1	143:1	23:1	Key*	21:1	--	21:1
Orr	30:1	109:1	23:1	Murch *	25:1	183:1	22:1
Rudolph	27:1	132:1	23:1	Nichols Ave	30:1	119:1	24:1
Savoy	27:1	123:1	22:1	Petworth	26:1	155:1	23:1
Simon	26:1	122:1	21:1	River Tr.	24:1	130:1	20:1
Slowe	27:1	181:1	23:1	Stevens	20:1	--	20:1
Smothers	28:1	110:1	22:1	Stoddert*	21:1	--	21:1
Tubman	25:1	112:1	20:1				
Walker Jones	26:1	107:1	21:1				
WEIGHTED MEAN	26:1	123:1	22:1	WEIGHTED MEAN	25:1	121:1	21:1

* West of the Park

Source: Compiled from January 1974 school membership lists.

a slight improvement in classroom teacher/pupil ratios in the low spending schools -- 28:1 in 1971 to 26:1 in 1974, whereas the high spending spending schools ratio for 1971 was 22:1 and in 1974 increased to 25:1.

The fact that there was not a greater upward shift in pupil/classroom teacher ratios for high spending schools may be the result of two factors: 1. the initial central administrative policy that exchanged high paid teachers for lower paid ones,[1] and where possible kept the same number of classroom teachers as before equalization and 2. the decision of principals and community groups to maintain low pupil/classroom teacher ratios at the expense of special subject teachers.[2]

It appears then that high spending schools have fewer special subject teachers because their available dollars for per pupil salary expenditures under equalization have been devoted to classroom teachers rather than special subject teachers. Their retention of classroom teachers was possible only at the expense of special subject services. If this outcome were strictly on a function of school choice, it would be very difficult to say that equalization had caused undue hardship on some schools by depriving them of special subject teachers. But school choice is only partly the reason. Very few schools, particularly those that have only one or two classes at each grade level (some schools have combined grade classes because of low enrollments) have real options about the number of classroom teachers. To reduce

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1. See Lewin's computer list of exchanges of classroom teachers to achieve equalization.

2. See Chapter IV, pp. 80.

the number might require significant changes in school organization affecting the number and grade range of pupils in each class.

Once locked into a set number of clasroom teachers, the next most influential factor in salary costs is the training and experience levels of those teachers -- expenditures reflected in longevity payments. In small schools the funds available for special subject teachers will, in effect, be what is left over after funds are used to pay classroom teachers. If the average training and experience level of a school's classroom teachers is greater than the District's average, that school will not have available funds with which to purchase as many special subject teachers as might be expected in the typical elementary school.

Allocation of Professional Staff Not included in Equalization - 1974

What of staff members of the kinds not included in equalization--staff members who in 1971 were distributed very inequitably between high and low spending schools? Table V-16 reveals that there is still a considerable disparity in favor of high spending schools with respect to the distribution of dollars and staff members not included in equalization. The high spending schools average $71 per child for support staff whereas the low spending schools average $51 per child, an advantage to the high spending schools of 39%. Not only more dollars, but more actual staff per student are sent to high spending schools. In 1974, the student/staff member ratio in high spending schools for counselors and librarians and speech teachers was 226:1 as compared to 312:1 in low spending schools. Although the high spending school ratio for support staff is slightly higher than in 1971 (195:1), the significant change in ratio can be noted in the low spending schools where the

TABLE V-16

PER PUPIL EXPENDITURES
1974

	Equalization	Support Staff	Special Education	Federal Funds	Total
Low (14610)	$619	$51	$14	$26	$710
High (4951)	$639	$71	$39	$45	$794
Percent Difference	3%	39%	179%	73%	12%

Source: Compiled from January 1974 official school membership lists, October 1973 and January 1974 payrolls. Data includes calculations for benefits.

where the ratio dropped considerably from the 1971 figure of 362:1.

The special education staff, now called School Based Teachers,[1] is still disproportionately assigned to the formerly high spending schools, with only one West of the Park school doing without such service. The high spending schools, with a third of the enrollment of the low spending schools, have the services of 14 school-based teachers (an average pupil/staff member ratio of 349:1) whereas the low spending schools only have 16 such teachers (an average pupil/staff member ratio of 913:1).

Between 1971 and 1974 some policy changes concerning the distribution of Federal funds took place. In 1971, different schools had different Title I programs, some emphasizing reading, still others stressing health needs and social work extension services. As of 1972, the Title I office had decided to focus its attention on reading and mathematics and learning centers were established emphasizing these skills in schools that qualified for Title I funds.

There was also a shift in policy as regards Impact Aid between 1971 and 1974. In 1971, Impact Aid funds were used to pay salaries of some persons employed in the schools. By 1974 Impact Aid funds were for the most part used to defray the cost of central administrative personnel.

As the data on Federal expenditures indicate, high spending schools are receiving more Federal monies ($45 per pupil) than are low spending schools ($26 per pupil). Moreover, the 73% gap between the high and low spending groups is larger than the 50% difference that was present in 1971.

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1. The school based teacher, who in 1972 replaced the MIND teacher, is generally assigned one to a school. His or her function is to assist children with special learning problems, especially in terms of helping the classroom teachers develop programs for such children.

Since Title I monies in 1974 were concentrated for the most part on reading and mathematics staff, as one might have expected some high spending schools that lost special subject teachers because of equalization compensated for that loss with Federally funded teachers. As Tables V-17 and V-18 indicate, this is not always the case. One of the 6 high spending schools found by this study to be receiving Title I funds was a West of the Park school that was not eligible for those funds. A teacher at the school had been counted on the Compliance Report as being paid out of regular budget funds when the payroll records indicated she was apparently erroneously being paid from Title I monies. Two of the remaining high spending schools paying mathematics and reading teachers from Title I in 1974 showed an increase in special subject reading or mathematics teachers paid from regular budget funds. However, the remaining three Title I schools lost their regular budget reading and mathematics staff while increasing their overall reading and mathematics staff through the use of Federal money. Three of the low spending schools that received Title I funds in 1974 were able to replace lost reading and mathematics regular budget staff members with Federally funded supported reading and mathematics teachers. The other nine schools showed an increase of reading and mathematics service supported both from regular and Federal budget funds.

While Table V-16 indicates that in 1974 there is still considerable advantage to high spending schools in the allocation of staff members not covered by the 1971 Hobson decree, it is clear that the distribution of these kinds of personnel has improved greatly since 1971. Now there is only, on the average, a 12% difference between the high and low spending schools in the

TABLE V-17

READING AND MATH FULL TIME EQUIVALENTS FROM ALL FUNDING SOURCES (1971-1974)
HIGH SPENDING SCHOOLS

	1971			1974		
	Regular	Federal	Total	Regular	Federal	Total
Bowen	1.20	----	1.20	1.20	----	1.20
Cleveland	2.00	----	2.00	.20	2.00	2.20
Edmonds	.20	----	.20	.80	----	.80
Fillmore*	----	----	----	----	----	----
Garrison	1.40	1.00	2.40	2.00	1.00	3.00
Giddings	.20	1.00	1.20	1.40	2.00	3.40
Grimke	1.30	----	1.30	----	2.00	2.00
Hardy*	.50	----	.50	.20	----	.20
Harrison	1.40	1.00	.40	.20	2.00	2.20
Hyde*	.50	----	.50	----	.40	.40
Janney*	1.40	----	1.40	.40	----	.40
Key*	.50	----	.50	----	----	----
Murch*	.60	----	.60	----	----	----
Nichols Av.	3.00	1.00	4.00	----	----	----
Petworth	2.00	----	2.00	.70	----	.70
River Tr.	1.00	----	1.00	.60	----	.60
Stevens	1.20	----	1.20	----	----	----
Stoddert*	.50	----	.50	----	----	----
TOTAL	18.90	4.00	22.90	7.70	9.40	17.10
STAFF RATIO			250:1	STAFF RATIO		290:1

* West of the Park.
Source: Compiled from January 1974 official school membership lists.

TABLE V-18

READING AND MATH FULL TIME EQUIVALENTS FROM ALL FUNDING SOURCES (1971-1974)
LOW SPENDING SCHOOLS

	1971			1974		
	Regular	Federal	Total	Regular	Federal	Total
Bancroft	1.00	----	1.00	2.00	1.00	3.00
Congress Hgts.	1.20	----	1.20	1.60	1.00	2.60
Davis	1.40	----	1.40	1.80	----	1.80
Draper	.40	----	.40	1.80	2.00	3.80
Emery	1.40	----	1.40	1.40	2.00	3.40
Kenilworth	1.00	----	1.00	----	2.00	2.00
Ketcham	1.20	----	1.20	2.20	1.00	3.20
Kimball	1.00	----	1.00	1.40	----	1.40
Lenox	----	----	----	----	2.00	2.00
McGogney	3.20	----	3.20	2.00	2.00	4.00
Nalle	1.40	----	1.40	1.60	----	1.60
Noyes	1.00	----	1.00	.50	----	.50
Orr	1.00	----	1.00	.60	----	.60
Rudolph	1.20	----	1.20	.60	----	.60
Savoy	2.00	----	3.00	2.00	2.00	4.00
Simon	.20	1.00	1.20	1.60	2.00	3.60
Slowe	1.10	----	1.10	1.00	----	1.00
Smothers	.10	1.00	1.10	1.60	----	1.60
Tubman	2.20	----	2.20	2.00	2.00	4.00
Walker Jones	----	.60	.60		1.00	1.00
TOTAL	22.00	2.60	24.60	25.70	20.00	45.70
STAFF RATIO			637:1	STAFF RATIO		320:1

Source: Compiled from March 1971 and January 1974 official school membership lists.

per pupil expenditures for equalization, support, special education and Federally funded staff, as compared to a 54% difference between the two groups in 1971. Although, as a group, low spending schools have improved compared to high spending schools, there is still considerable variablility among our individual sample schools. It is perhaps important to note here that in 1974 the school showing the lowest expenditures per pupil is one of those schools continually cited as being discriminiated against during the various court hearings.

Changes in School Resources Between 1971 and 1974

Since there have been several pay raises with corresponding budget increases it is difficult to assess the changes in schools merely by examining the per pupil expenditures between 1971 and 1974. However, an examination of the distribution of full time equivalents may reveal more readily the effect of equalization on the schools.

Between 1971 and 1974 enrollment in the schools decreased -- 14% in the low spending schools, and 12% in the high. Table V-19 indicates that the loss of full-time staff equivalents in the high spending schools (-24%) was greater than their enrollment loss, whereas in the low spending schools the full-time equivalents decreased considerably less (1%) than did their student enrollment. Clearly, the low spending group had a net gain in staff, while the hign spending group lost staff. While classroom size in high spending schools tended to rise slightly (but kept well below the recommended maximum of 28:1) the severest loss of staff to high spending schools was in the special subject staff (-48%). Due to declining

TABLE V-19

PROFESSIONAL STAFF FULL TIME EQUIVALENTS
1971-1974

		Enrollment	Classroom Staff	Special Subject Staff	Support Staff	Special Education Staff	Federally Funded Staff	Total
High Spending Schools	(1971)	5727	255.5	71.30	29.3	11.0	10.8	377.90
	(1974)	4951	196.5	37.05	21.9	14.2	17.3	286.95
DIFFERENCE		-14%	-23%	-48%	-25%	+29%	+60%	-24%
Low Spending Schools	(1971)	16674	604	91.5	46.0	10	19.8	771.3
	(1974)	14610	557	119.0	46.9	16	28.9	767.8
DIFFERENCE		-12%	-8%	+30%	+2%	+60%	+46%	-1%

school enrollments and a desire by the principals and the communities to keep the clasroom size as low as possible, many high spending schools had to sacrifice all, or almost all, special subject teachers in order to pay the classroom teachers' salaries.

The Effect of Equalization on Academic Performance

When the school system was back in court in 1970, Judge Wright expressed considerable disappointment at the lack of interest in evaluating the effect of the 1967 court-ordered busing on the performance of children moved from overcrowded schools to underutilized ones. Despite his criticism of the school's apparent failure to collect adequate data on the results of the 1967 Wright decision, it appears that efforts at evaluation of the 1971 court order have not been undertaken by the school system.

The entire issue of testing has been a volatile one for the D.C. school system.[1] The central issue has been the assertion by some school administrators that the tests are culturally biased and not valid for the vast majority of children living in the District. In 1972-73 the administration abandoned school-wide standardized testing in favor of diagnostic prescriptive, criterion reference tests. They did, however, continue standardized testing of a small (1 %) representative sample of the children.

The results of the testing of that small sample indicate that the reading performance of students in the District has continued to decline since

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1. Washington Post, Prince, R. 8/12/74, "Scores Drop in Reading, Math Tests". Washington Post, Raspberry, W., 8/26/74, "Reading, Math and Cultural Bias". Star News, 8/24/74, "D.C. Pupils in a Slump."

1971. Except for a small improvement in the first and second grades, District pupils, in general, score two years below the national norm and 1.9 years behind the norm for big-city schools.[1]

The data in the compliance report that ranks schools in quintiles according to their reading performance[2] indicates that change in academic achievement appears random: that in our low spending sample two schools moved up a quintile, nine schools moved down a quintile, and nine schools remained unchanged; in the high spending schools 5 schools moved up at least one quintile, one school moved down, and 12 schools remained unchanged.

Shifts in Special Subject Services

Prior to equalization the overwhelming majority of special subject teachers taught full-time in a school. Lewin's pre-equalization data indicated that the services of special subject teachers had been distributed in an inequitable manner. Schools West of the Park received a great deal of service while schools in Anacostia got very little. In the summer of 1971, the Board chose to equalize the distribution of special subject teachers as part of its implementation of the 1971 Hobson decree.[3] In order to achieve this equalization, many formerly full-time special subject teachers became itinerants.

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1. The value of standardized reading tests has been severely questioned. The tests have been found to be culturally biased and are standardized on groups other than those minority children usually found in large, urban settings.

2. See Lewin Report, Chapter IV, page 72.

3. See Chapter IV, p. 70.

In the spring of 1972, it became necessary for the District to move teachers in order to achieve compliance.[1] The administration recommended and the Board approved, a plan that involved the moving of special subject teachers. This 1972 policy negated the earlier decision by the Board to distribute special subject services equitably across the city. Instead, schools were required to lose or gain special subject teachers in accordance with the dollars available after the cost of classroom teachers present in the schools had been computed. In subsequent equalization plans, schools were given some options in indicating which special subject teachers they would prefer to gain or lose, should additions or deletions in staff dollars be necessary.

Our interviews and discussions with community leaders, parents, and some principals had given the impression that with equalization, special subject teachers were being moved in and out of schools with great frequency in order to achieve dollar equity. Our eight school study has revealed that special subject teachers were generally added, their time reduced or their services removed from a school. We did not find a pattern of one special subject teacher being exchanged for another teaching the same subject, but with a different salary. In order to determine further the extent of the disruption of special subject teachers, we chose 18 elementary schools at random and examined the changes in special subject staffing from March 1971 through January 1974. We attempted to answer the following questions: 1. to what extent are services in the special subject areas provided by itinerant

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1. See Chapter IV, p. 80.

versus full-time staff? and 2. how pervasive is the problem of shifting special subject teachers so that schools must adjust to new staff members in these areas?

As Table V-20 reveals, the percentage of special subject teachers who were part-time almost doubled in the first two years of equalization compared to the pre-equalization year of 1970-71. By 1973-74, approximately one-half of the special subject teacher time was performed by itinerant teachers.

TABLE V-20

SPECIAL SUBJECT TEACHERS IN EIGHTEEN ELEMENTARY SCHOOLS

Year	Percent Part-time	Percent New to School
1970 - 1971	35%	---
1971 - 1972	63	35%
1972 - 1973	64	36
1973 - 1974	51	26

Source: Compiled from March 1971, October 1971, January 1973, and January 1974 official membership lists.

The recent drop in the number of part-time special subject teachers may be indicative of several factors: 1. small schools with declining enrollments could no longer afford to buy any services of special subject teachers once the cost of classroom teachers had been computed for their schools,[1] and

1. Some small schools, particularly West of the Park, were unable to purchase special subject teachers. The inequitable distribution had shifted in 1973 to the point where schools in other parts of the city had many special subject services.

2. in 1973 when principals were able to express preferences in regard to special subject services for their schools, there was a tendency to request more full-time teachers and to delete those itinerant teachers who were perceived to be more ineffective.[1]

Table V-20 indicates the percent of special subject teachers in our sample schools who were new to their schools. Unfortunately, it is not possible to compare the percentage of new special subject teachers with pre-equalization data. However, slightly more than one-third of the special subject teachers in the sample were new to their particular schools in the first two years of equalization. By 1973-74, the third year of equalization, that figure had dropped to almost one-quarter. The 1971-72 figure is no doubt a reflection of the District's effort to equalize special subject services. Therefore, schools that previously had no services were assigned special subject teachers. The decrease in new teachers in schools by 1973-74 may reflect the District's policy of adding or deleting a portion of the time of a special subject teacher in a school as money became available for special subject services. Thus, if Miss Jones were teaching art in School A for 80% of her time at a cost to the school of $12,000, and the school discovered that the following year they only had $7,500 to buy special subject service, the district tended to assign Miss Jones to School A for 50% of her time, rather than to send a new teacher to that school who costs

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1. There is an advantage to the principal in having the teacher assigned to her building full time in that a full-time staff member is responsible to the building principal, whereas a part time special subject teacher is responsible to her special subject supervisor. This may be an incentive for special subject supervisors to attempt to maintain control over their teachers by restricting the number who are able to be full-time in particular schools.

less, and could, in fact, supply 80% of her services to the school. The result of this policy was that while the personnel in a particular school tended to stabilize, the amount of services rendered to schools fluctuated considerably.

Program Changes in Selected Schools 1970-1971 Through 1973-1974

In order to get a sense of the dynamics associated with the implementation of Judge Wright's equalization decree, we selected 8 elementary schools from our larger sample for a more extensive examination of the effect of equalization on school life. Four of those schools lost staff members and 4 gained. In addition to examining changes in resources in each school year from 1971 - 1974, we interviewed teachers and principals to determine their experiences since the implementation of the 1971 Hobson decree.

Table V-21 indicates the changes in pupil/teacher ratios of equalization staff between 1971 and 1974 in the 8 schools. It is obvious that the high spending schools lost a considerable number of special subject staff members, as well as some classroom teachers. How did they cope with this situation? What changes did they develop in staffing patterns to accomodate the loss of personnel? What support did they get from the administration in dealing with staff reductions?

One high spending school in the Model School Division had been cut so severely when school opened in 1971 that the principal and her staff had to reorganize the staffing patterns proposed at the end of the previous term. The principal indicated that this loss of staff meant that team teaching had to be abandoned and that several teachers had to change the grade levels which they taught. Another of the high spending schools did not feel the effect of

TABLE V-21

PUPIL TEACHER RATIOS IN SELECTED SCHOOLS

Schools	March 1970		October 1971		June 1972		March 1973		Jan. 1974	
	Classroom	Special Subject	Classroom	Special Subject	Classroom	Special Subject	Classroom	Special Subject	Classroom	Special Subject
High Spending Schools										
A	19:1	46:1	24:1	117:1	26:1	96:1	25:1	114:1	23:1	140:1
B	20:1	60:1	28:1	77:1	25:1	91:1	25:1	79:1	17:1	0
C	22:1	73:1	28:1	113:1	27:1	130:1	28:1	174:1	26:1	101:1
D	24:1	82:1	24:1	122:1	26:1	130:1	25:1	158:1	24:1	130:1
Low Spending Schools										
A	27:1	190:1	25:1	159:1	24:1	151:1	26:1	106:1	27:1	104:1
B	28:1	186:1	28:1	152:1	25:1	121:1	28:1	119:1	27:1	101:1
C	32:1	132:1	31:1	180:1	31:1	93:1	30:1	170:1	20:1	106:1
D	26:1	144:1	25:1	130:1	25:1	111:1	27:1	118:1	25:1	114:1

Source: Compiled from official school membership lists.

equalization immediately because the closing of a nearby school caused an increase in the enrollment which allowed for more dollars to purchase services. The problems in that school intensifed in the next few years when the enrollment and therefore available dollars, decreased due to a drop in busing and in local enrollment. That school was forced to move into classes of more than one grade level.[1] The reduction in staff at the school not only caused class size to rise and the mixing of different age groups, but also resulted in the disappearance of special subject services by 1973-74. The lack of these services not only required classroom teachers to assume greater responsibility for those subject areas, but in addition, especially in smaller schools, it meant that there was no staff person to cover classrooms for teachers' planning time as promised in the union contract.

Two of the 4 high spending schools were able to soften the blow of equalization in the first year by securing the services of classroom teachers paid from funds from the Emergency Employment Act; their services were not included in equalization reports. In addition, one of the ways in which the schools West of the Park compensated for the loss of special subject services was by the creation of a teaching position designed to meet the needs of "exceptional children." This position was paid for by special education funds, and therefore, not included in the equalization report.

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1. It must be noted here that although mixed level classes may have been necessitated by declining enrollments and school resources, the practice of mixing different age groups has been one that is being recommended more and more in the educational literature.

This teacher was a former classroom teacher transferred from a West of the Park school to Anacostia as part of the initial compliance plan. She remained in Anacostia for a year and then returned to another West of the Park school to staff the "extended learning center," and to work with children, selected from six schools, on special mathematics, social studies, and science projects.[1]

Interviews with teachers in the schools that lost staff indicated that while they could endorse the notion of equalization in the abstract, they were reluctant to think of their schools as having been "overprivileged." "The schools weren't that unequal," was a familiar refrain. Many of the teachers were unaware of the administrative decision to equalize mainly through the movement of special subject teachers and expressed vague anxieties about the possiblity of having to be moved to achieve equalization in the future. They spoke about this as a demoralizing factor in staff security.[2] Although many of the teachers referred to the inconveniences surrounding the moving of teachers and the reduction of staff, they did not generally feel that this hampered their ability to work with the children.[3]

Principals in the high spending schools also complained of morale problems following the equalization order. Not only had the number of teachers in their schools dropped, but several old teachers were transferred out while new teachers replaced them. It took a while before the school staff

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1. In addition, some West of the Park Home and School Associations are able to employ special subject personnel from their own association treasuries and thus compensate for services lost due to equalization.

2. If a teacher was moved, she lost all building seniority, even when the move was involuntary, so that made her vulnerable to being moved again. In 1974-75 some classroom teachers were moved.

3. Several teachers commented that although they now had to do the art, music, etc., the activities were now better integrated into the curriculum than when the specialist came in and "did his thing."

could coalesce and develop a team involvement in school affairs. They were concerned about the loss of special subject teachers[1] and felt that some more attention should have been paid to such services in the development and implementation of an equalization plan.

The low spending schools experienced different problems with the implementation of the 1971 Hobson decree. One school had more teachers than classrooms. The special subject teachers had to work in hallways, and the classroom teachers organized team teaching until several lavoratories were converted into classrooms.

Many of the low spending schools had been severely over-crowded and under-staffed. Thus, the advent of additional teachers as a result of the 1971 Hobson decree in many instances merely brought the pupil/classroom teacher ratio within the acceptable range suggested by Board policy. These teachers could hardly be considered "extra" resources.

Many of the principals and teachers, while pleased that extra staff was supposed to be available to their schools, thought that the manner in which the speical subject teachers were distributed was not always desireable. For example, one low spending school had the services of one full-time and one half-time Latin teacher, but only 40% time from a special subject mathematics teacher. Another school had the equivalent of seven days a week of

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1. Some West of the Park schools, and other middle income area schools, especially, were able to compensate for some loss of special subject staff through parent participation. In one case, the neighborhood social welfare agency paid for a reading specialist assigned to a school. While the model school that lost resources might have compensated for that loss through the use of Title I funds, that school did not receive Federal funds until the 1973-74 school year when the Title I funds allowed the school to regain the reading and mathematics personnel they had employed prior to the equalization decree.

music services, and no special subject mathematics teacher.

In 1973, partly because of the objection to the distribution of special subject teachers, the administration instituted a form of school-by-school budgeting. Schools were informed of how much money they had available for teacher staff and asked to list their priorities as regards special subject teachers. Thus, if a school could add services after classroom staff salaries were removed from their "lump sum budget," the administration would theoretically add those subjects that were requested. Similarly, if a school had to lose resources, they were removed according to the preferences stated by the school.

While principals generally endorsed the ability to choose their own staff they did express reservations with the system. First, some principals pointed out that small enrollments meant that the teachers they wanted most -- reading and mathematics specialists -- were not available, and they were forced to carry a vacancy or to accept other special subject teachers instead. Only one principal used her special subject money to employ a classroom teacher. Although this was possible, as was the reverse alternative of using all special subject teachers and no classroom teachers, the principals were generally unaware that they had such options.

Innovations

The court order was concerned with improving dollar resources (which translates into services) to schools. It is possible that changes in resources might be the vehicle for administrators to innovate new programs or new organizational structures.

In general, innovation was not a product of the redistribution of resources. Mainly, schools that lost personnel reduced special subject staff and made do -- the attitude was that the elementary school teacher was supposed to be a generalist anyway. Those schools that gained usually did not get enough additional staff to change staffing patterns and were often assigned special subject teachers with more attention paid to the dollar expenditure required for equalization than to the educational needs of the children.

It was the general impression of those teachers and principals interviewed that as long as the school system concentrated on dollars in its equalization efforts, and not the services provided by those dollars, there would be little educational change and considerable educational disruption of school services.

Summary

An examination of our data indicates the following concerning the 1971 Hobson decree and the District of Columbia Public schools:

1. Prior to equalization there was considerable disparity in the allocation of all professional staff with a great many services going to just a few schools, while children in other schools got less or none.

2. Prior to equalization there was a lack of information about the distribution of staff on a school-by-school basis.

3. While all schools are not in compliance in 1974, there is a significant reduction in the disparity in allocation of all professional staff among the schools. This is true for professional staff excluded from equalization as well as for expenditures for classroom and special subject teachers.

4. By 1974, special subject teachers were distributed so that formerly low spending schools received more of these teachers than did formerly high spending schools.

5. Changes in resources generally involved exchanging high paid classroom teachers for less expensive teachers, adding teachers in low spending schools with excessive pupil/teacher ratios, and redistributing special subject teachers.

6. Although significant equalization had taken place, in 1974 many schools were not in compliance. This condition seems generally to be the result of the lack of reliable information, inadequate cross-checking of existing information, and inadequate monitoring procedures.

7. There has been some improvement in the school-by-school data for resources to be equalized in the 1971 Hobson decree; however, the information system is still inadequate for providing school-by-school data for information involving other school expenditures to be reported to the court.

8. Federal dollars did not appear to be used to compensate for services lost due to equalization.

9. Although the data are very limited, it would appear that academic performance was not enhanced by efforts at equalization. Judgments about the effects of equalization on academic performance are difficult to make. What limited test score information there is does not indicate an effect from teacher shifts; however, these tests have serious limitations as indicators of such effects (for example, the quintile ratings only show which of five reading levels children are at and do not indicate movement within reading levels). Moreover, the small size of many of the resource changes, the types of teachers frequently shifted (art, music, physical education) and the frequency of the shifts, would not necessarily create an expectation of significant changes in academic performance, at least in the short run.

10. There is widespead dissatisfaction with the implementation of the decree. The District has made an attempt to equalize the schools, but no one is particularly happy with the arithmetic results.

11. Discussions with teachers, principals, administrators, board members, community representatives, and indeed, Julius Hobson, reveal a general feeling that a kind of fairness has been achieved, but it has not been particularly valuable educationally.

Our research on the manner in which the District has implemented the 1971 Hobson decree and the results that have followed that implementation indicate that additional administrative procedures must be initiated in order to assure more effective compliance. The present difficulties in assuring compliance appear to be 1. lack of a school-by-school information system, 2. lack of a monitoring system, and 3. lack of definition of equalization beyond a single point in time. While we recognize that the Judge did not require, nor do we expect continuous compliance, an improved system would lessen the disruption that occurs in the process of compliance.

CHAPTER VI

ALTERNATIVES

In this chapter we focus on what needs to be done in the District to assure a system of implementing the 1971 Hobson decree which results in compliance. What data need to be collected? When should they be collected? Who should monitor? In addition, we discuss the compatibility of the 1971 Hobson decree formula and the Title I Comparability Guidelines. Are the two formulas necessarily contradictory? Is it administratively possible and educationally feasible to comply with both formulas? And finally, we examine some of the options the District might consider in creating alternative equalization models for the Washington public schools.

Compliance with the 1971 Hobson Decree

Our examination of the resources in 38 elementary schools revealed problems with the implementation of equalization both with regard to data and with regard to management. The first difficulty was the mismatch between what was assigned to a school at the time of the compliance report and what was, in fact, there.[1] Transfers were made of persons who in fact had never actually been in the school, and schools were charged for teachers who actually were not at that school. The second difficulty involved the manner in which the schools were equalized. Some schools were equalized on the extremes of the permissable range so that minor shifts in faculty assignment or student enrollment would throw them out of compliance. Some were equalized with persons not included in the equalization formulas -- a

1. See Chapter V., p. 127.

person listed as a community coordinator on the membership file was counted as a classroom teacher on the compliance report. Others were equalized with persons paid out of Federal budgets, e.g., a reading teacher listed on the compliance report but whose salary on the payroll indicated that he was actually being paid from Title I funds. Still other schools were assigned vacant positions which, during the course of the year, were either unfilled or filled by a person receiving less money than had been allocated. Another problem concerned the monitoring of the compliance effort: at present, it is not clear who is responsible for assuring a match between what is listed on the membership rolls and what is reported on the compliance plan submitted to the court. And finally, no system was devised to enable the schools to maintain compliance as students and teachers come and go during the course of the year.[1] The compliance report is based on a single point in time with no records kept that would allow for an analysis of a school's cumulative funds applicable to equalization. Thus, there is no way of knowing whether or when a vacancy gets filled or how much money is expended for a vacancy by substitute teachers.

What can be done to assure compliance in the future? In terms of dealing with the accuracy of the data we would make the following recommendations:

1. Principals should be asked to verify the personnel listings on compliance reports to ensure that the persons are actually in their schools.

2. Special subject supervisors should also be asked to verify that the persons listed on the compliance reports are actually at the schools indicated for the time specified.

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1. It has never been determined, nor is it assumed, that the court expected the school system to be in compliance continuously. However, as the schools shift away from the mean the job of getting them back into compliance the following Fall is more difficult.

3. A merging of the payroll files and the Compliance Report should always be made so as to assure that no persons supported by Federal funds are listed on the compliance report.

4. All persons acting temporarily in teaching positions covered by the 1971 Hobson decree should have their salaries included in the school-by-school accounting.

5. Any shifts in staff members covered by equalization due to retirements, transfers, or new hiring should be reported immediately to the equalization file so that it is always "up to date."

6. No shifts of teachers from Federal to regular budget funds, or vice-versa, should be made without recording such changes in the equalization file.

7. Changes in enrollments should be reported monthly to the equalization office.

In terms of dealing with the administration of compliance we would make the following recommendations:

1. The compliance report team should include staff members not only from the equalization office and from the various special subject departments but also from the budget office, the automated systems office, and the Title I office.[1]

2. The school system should identify those schools that have significant fluctuation of enrollment during the course of the year and equalize those schools within a narrower range than ±5%.

3. No schools should be equalized at the extremes.

4. Vacancies should be allotted a dollar value comparable to the cost of a beginning teacher or the average salary of teachers who fill vacant positions rather than to the average salary of all District teachers.

5. The equalization file should be kept "current" according to the procedure discussed above, and an equalization officer should run a compliance report on a monthly basis.

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1. Since shifts in personnel to comply with the 1971 Hobson decree will effect compliance with Title I guidelines and vice-versa, staff of both the equalization and the Title I offices should participate in the preparation of the reports to the court and to the Office of Education.

6. The equalization officer should run monthly spot checks on the schools to assure that the data file is accurate.

7. In order to make the December compliance less disruptive, the equalization officer should report monthly to the Board, the superintendent, the regional superintendent and the principal, any schools out of compliance.

8. A cumulative as well as a point-in-time equalization report should be run on a monthly basis.

While the judge ordered the District to equalize only expenditures for classroom and special subject teachers, he did require that per pupil expenditures, and total expenditures for many other school allocations, be reported to the court on a school-by-school basis. An examination of the Compliance Reports indicates that this additional data is often reported to the court in terms of "projected" rather than "actual" expenditures, and in many instances the figures appear to be questionable.[1] To make the reporting of such data accurate in the future, we recommend the following:

1. All data on which the judge requested expenditure reports: Title I, UPO, all regular budget funds, Impact Aid, etc., should be reported on a school-by-school basis, with the same proviso regarding shifting of personnel as was described for the maintenance of an accurate and current equalization file.

2. All data on which the judge requested expenditure reports: Title I, UPO, all regular budget funds, Impact Aid, etc., should be reported on a school-by-school basis to the court for the same point in time.

3. A cumulative record of school-by-school expenditures in these categories should be maintained and reported to the court on a yearly basis.

4. Principals and administrators of the various funds should be asked to verify that the staff members listed for particular schools are in fact, present in those schools and that the expenditure items are correct.

1. For example, the November 1974 Compliance Report was rejected by the school board after several citizen groups pointed out inaccuracies in the data. Washington Post, November 27, 1974; Washington Post, December 3, 1974.

Finally, to assure maximum verification of the school-by-school data, as well as opportunities for comparison among schools, we would recommend the following:

1. At least once a year the school system should publish a directory listing school resource allocations from all sources as required by the court for compliance with the 1971 Hobson decree.

2. This report should be specific rather than summative so that differences in expenditures among schools can be verified at the school level and are not masked by over-generalized categories such as "Title I expenditures" or "instructional staff."

3. A committee at each school, similar to the one formed to recommend priorities concerning reductions and additions to the staff as a result of equalization, should be responsible for reviewing the report and verifying that the resources noted actually arrived at the school site.

The Compatibility of Compliance with both the 1971 Hobson Decree and Title I Comparability Guidelines

While the District must equalize expenditures according to the 1971 Hobson decree formula or risk having the school board and the superintendent held in contempt of court, the school system must also equalize expenditures according to Title I Comparability Guidelines prescribed by the U. S. Office of Education or risk losing millions of dollars for compensatory education. The question arises as to the compatibility of these two formulas. Is it possible to comply both with the 1971 Hobson decree and with the Title I guidelines? What are the necessary steps that must be taken to examine the effect of compliance with both the 1971 Hobson decree and Title I guidelines?

A Brief History of the District's Compliance with Title I

When the 1971 Hobson decree was issued, the Title I requirements were such that districts receiving funds had to demonstrate that the funds were not being used to supplant regular budget fund expenditures for needy children. While the intent of the Office of Education comparability guidelines is similar to that of the 1971 Hobson decree, the formulas for computing compliance with the court order and comparability are not the same. Chart VI-A indicates the differences between the two. Both formulas call for schools to fall within a ±5% range of the mean expenditures of regular budget funds.[1] For the Court, however, the mean is figured by including all elementary schools, and comparing each school to that mean, whereas, in Title I comparability, the mean is computed on non-Title I schools, and each Title I school is then compared to that non-Title I school mean. The Title I formula computes the mean on the basis of salaries from all instructional staff (teachers, administrators, counselors, librarians, teacher aides, etc.) in the schools, whereas the 1971 Hobson compliance formula computes the mean expenditures only on the basis of classroom and special subject teachers. By the 1973-74 school year, both Title I and 1971 Hobson decree formulas had excluded special education staff.[2] However, another major difference between the two formulas was that of longevity pay. Title I does not figure the longevity part of teachers' salaries into the mean expenditure for compliance, but does require that

1. Impact Aid funds are included as part of the monies to be accounted for in Comparability under Title I. Since the school district does not currently use Impact Aid funds for teacher's salaries, compliance with the 1971 Hobson decree is not affected by the inclusion of these funds.

2. However, special education services in Title I schools must be comparable to those provided for non-Title I schools.

CHART VI-A

COMPARISON OF 1971 HOBSON DECREE COMPLIANCE AND TITLE I GUIDELINES COMPARABILITY FORMULATIONS

	1971 Hobson Decree	Title I Comparability
What Fund Source?	Regular	Regular budget Impact Aid
What Staff?	Classroom teachers Special subject teachers	Classroom teachers Special subject teachers Librarians Psychologists Social Workers Guidance Counselors Educational Aides Speech Teachers Principals Assistant Principals Community Coordinators
What Pay?	Base salary Longevity payments benefits	Base salary
What Mean?	District-wide	Non-Title I Schools
What Criteria for Compliance?	±5% mean per pupil salary expenditure (including longevity)	Title I schools must be --at least 95% of mean per pupil salary expenditure (excluding longevity) --at least 95% of mean pupil/staff ratio --95% of mean of instructional materials costs (if necessary)

the longevity part of the salary payments be reported. Judge Wright, on the other hand, makes teacher experience and its concomitant longevity payments a central factor in compliance reporting and includes longevity and fringe benefits in the calculation of mean expenditures. In addition, Title I guidelines call for comparability in per pupil expenditures for instructional materials, should the per pupil expenditure or staff ratios not be comparable.

In 1972, when officials of the District of Columbia school system had to submit a comparability report to the Office of Education, they merely submitted a Hobson decree Compliance Report as a substitute for the Title I requirements. At that time OE did not have a standardized form for submitting comparability reports. However, in 1973 when the District again had to submit a comparability report, this time on a special OE computerized form, they submitted a report that appeared to be based on their Hobson decree report. The report neither covered the same personnel categories as the Title I formula nor separated longevity payments from base salaries. OE rejected this report. Nonetheless, on December 1, 1973, the report was resubmitted with the same data, but with the longevity column completed. Once again, OE rejected the report, and this time they threatened to withhold Title I funds if the appropriate form, with correct computations showing all schools in compliance, was not submitted to the Title I office by March 31, 1974. In an attempt to meet the OE deadline, the District prepared a comparability report that included the data required by Title I. However, the only personnel records that were readily available on a school-by-school basis were the computerized payroll files. While these files had the advantage of including

identifiers that specified job classification, salary, and source of funds for each employee, they had the disadvantage of showing persons at schools according to where checks were picked up rather than according to the amount of service rendered at any particular school. The result was that total salaries of many teachers and other staff members were charged to the schools where their checks were picked up rather than to the schools where their services were rendered. Nonetheless, a comparability report was prepared from this data. That initial computer run indicated 37 schools not comparable. The District officials decided to add additional staff to these schools rather than shift existing "personnel." Resources were added on the basis of dollar need and personnel availability; no regard was given to educational rationales. Since it was unclear what funds were actually being spent in the 37 schools which received additional staff, a staffing allocation pattern based on need was impossible to generate. Time was limited: the report to OE was compiled in the last week in March, just 72 hours before the District would have lost its Title I funds.

Is It Possible to Comply with both the Court Order and the Federal Guidelines?

The District has stated that it is difficult, if not impossible, to comply with both the comparability guidelines and the court decree. It is imperative that the school administration provide data to substantiate this claim if it wishes to go back to court.

Since the data are presently not available to demonstrate the effect of complying with both orders either on the allocation of resources or on the administrative complications, we have produced some hypothetical examples to demonstrate that it may be possible, though difficult, to comply with both

formulas. We recognize that the examples below represent extreme cases and are limited to a few schools. They are presented not as recommendations for policy but rather as a demonstration of the problems of dual compliance. Our assumption is that if we can demonstrate compatibility in extreme cases, then the less extreme case which is more typical of the general allocation patterns in the District will be compatible with both formulas.

In creating these hypothetical cases we have attempted to use figures reasonably similar to those recorded by the District in their compliance reports to the court and the Office of Education.

The assumptions for all examples are as follows:

1. Two schools, both Title I, are used for the purpose of simplicity.
2. Each school has an enrollment of 500 pupils and has one principal.
3. Each school is in compliance with the 1971 Hobson decree.
4. Two types of teachers are used. The first type has a BA and no experience. The second type has an BA and 15 years experience.
5. A teacher with no experience is paid $10,000 per year or $20 per pupil ($10,000/500 = $20). A teacher with 15 years experience is paid $20,000 per year or $40 per pupil ($20,000/500 = $40).
6. A principal is paid $18,000 per year (longevity excluded) or $36 per pupil ($18,000/500 = $36).
7. An assistant principal is paid $15,000 per year (longevity excluded) or $30 per pupil ($15,000/500 = $30).
8. All other professional staff (librarians, counselors, community coordinators, speech teachers, etc.) are paid $10,000 per year (longevity excluded) or $20 per pupil ($10,000/500 = $20).

In Example I, the two schools represent the extremes in staffing patterns, with one school (School A) hiring all inexperienced teachers and the other school (School B) hiring all teachers with 15 years experience.

Each school spends $640 per pupil on teacher salaries included in the 1971 Hobson decree.

EXAMPLE I

COMPLIANCE WITH 1971 HOBSON DECREE

SCHOOL A (Teachers with no Experience)		SCHOOL B (Teachers with 15 years Experience)	
Staff	Expenditures	Staff	Expenditures
32 Teachers	$640 (32 x $20)	16 Teachers	$640 (16 x $40)
Pupil/Teacher Ratio 15.6:1		Pupil/Teacher Ratio 31.2:1	

School A and B are now in compliance with the 1971 Hobson decree, but School A was able to have 32 teachers while School B was able to hire only 16 teachers and has a very high pupil/teacher ratio.

What is necessary for these schools to remain in compliance with the 1971 Hobson decree and also be comparable? Examples II, III, and IV address this question by either adding staff not included in the Hobson decree computations (II and III) or moving teachers and adding staff (IV). It must be remembered that comparability includes neither longevity nor the same staff as the Hobson decree. Also, the mean to which Title I schools is compared is the non-Title I average rather than the District average. In 1973 the non-Title I average used by the District was approximately $540. Therefore, we used this number to construct our example. Each of our schools must spend at least $513 (5% less than $540) to be comparable. Under comparability the pupil/staff ratio is also considered. No Title I school may have a ratio greater than 105% of the non-Title I average. The non-Title I

pupil/staff ratio was approximately 17.1 :1. In our example the 2 schools must have a ratio no higher than 18:1.

In Example I, only staff included in the Hobson decree computations have been assigned and longevity was included. Longevity only made a difference in School B, because School A teachers had no experience. Of course, each school must have a principal. Therefore, Example II shows our 2 schools with a principal assigned and longevity excluded.

EXAMPLE II

COMPLIANCE WITH HOBSON DECREE
(LONGEVITY EXCLUDED)

SCHOOL A
(Teachers with no Experience)

Staff	Expenditures
32 Teachers	$640 (32 x $20)
1 Principal	36 (1 x $36)
	$676

Pupil/Staff Ratio
15:1

SCHOOL B
(Teachers with 15 years Experience)

Staff	Expenditures
16 Teachers	$320 (16 x $20)
1 Principal	36 (1 x $36)
	$356

Pupil/Staff Ratio
29:1

Note that the expenditures in School B are now much lower. That is because in Example I $20 per pupil was spent for longevity.

What is the problem facing the District in making these two schools comparable for Title I? While both schools are spending exactly the same amount of money per student according to the Hobson formula, when longevity is removed, as it is in the Title I formula, we find that only School A, with a per pupil expenditure of $676, is comparable. School B must expend an additional $157 ($513-$356) in order to be comparable. In addition, School A is comparable concerning pupil/staff ratios but School B must have an instructional staff at least 27.8 in order to meet the minimum pupil/staff

ratio of 18:1; thus School B must add at least 10.8 full time equivalent staff positions to become comparable (Example III).

In order to become comparable in both schools, the District has the following options; to add staff and dollars to the school that is non-comparable or to shift teacher resources and add staff to both schools.

In choosing merely to add staff to non-comparable schools, the following constraints must be noted for the District because of the need to remain in compliance with the Hobson decree:

1. No classroom teacher or special subject teacher may be added.

2. No teacher aides may be added since it is not clear that the judge would exclude them in his definition of "teachers" and since in October 1974 the school system included them in its equalization report.

3. Only instructional staff not included in compliance may be added (i.e., counselors, librarians, speech teachers, psychologists, social workers, etc.).

Example III shows the two schools in compliance with both the 1971 Hobson decree and Title I guidelines. School A was already comparable, but School B must receive additional staff. In Example III we added only staff that met the above criteria.

EXAMPLE III

COMPLIANCE WITH 1971 HOBSON DECREE AND COMPARABILITY
(Adding Staff)

SCHOOL A
(Teachers with no Experience)

Staff	Expenditures
32 Teachers	$640 (32 x $20)
1 Principal	36 (1 x $36)
	$676

Pupil/Staff Ratio
15:1

SCHOOL B
(Teachers with 15 years Experience)

Staff	Expenditures
16 Teachers	$320 (16 x $20)
1 Principal	36 (1 x $36)
	$356
1 Assistant Principal	30 (1 x $30)
9.8 Support Staff**	196 (9.8 x $20)
	$586

Pupil/Staff Ratio
18:1

*School A and B are presently in compliance with Hobson when longevity is included and only teacher salaries are examined.

**Can choose among any instructional staff other than classroom and special subject teachers.

While there would be nothing in the Title I regulations prohibiting the school from assigning the additional support staff to School A as well, the example illustrates the non-educational effect inherent in complying with Title I guidelines merely by adding non-teaching staff not included in the 1971 Hobson decision to a non-comparable school. Although the staff/pupil

ratio has been improved in School B, the pupil/teacher ratio does not change if teachers are not moved since changes in teachers would affect compliance with 1971 Hobson.

Another option available to the District is making Schools A and B in compliance with both formulas by moving teachers. Steps 1-3 of Example IV indicate what is necessary for such dual compliance with teachers who were originally teachers distributed according to Example I: Step 1 in Example IV involves moving to equalize the experience level. In choosing to move teachers in order to be comparable, the District is under the constraint of assuring that the movement of teachers does not put the schools out of compliance with the 1971 Hobson decree. Step 1 shows expenditures per pupil for teachers considered under the Hobson decree, when experience levels are equal. We are still dealing with 16 experienced and 32 inexperienced teachers.

EXAMPLE IV

COMPLIANCE WITH HOBSON DECREE AND COMPARABILITY
(Moving Teachers)

Step 1

1971 HOBSON DECREE COMPLIANCE

SCHOOL A		SCHOOL B	
Staff	Expenditures	Staff	Expenditures
(15 years Experience)		(15 years Experience)	
8 Teachers	$320 (8 x $40)	8 Teachers	$320 (8 x $40)
(No Experience)		(No Experience)	
16 Teachers	$320 (16 x $20)	16 Teachers	$320 (16 x $20)
	$640		$640
Pupil/Teacher Ratio 20.8:1		Pupil/Teacher Ratio 20.8:1	

Step 2 shows the expenditure with longevity excluded and one principal.

EXAMPLE IV
COMPLIANCE WITH HOBSON DECREE AND COMPARABILITY
(Moving Teachers)

Step 2

1971 HOBSON DECREE COMPLIANCE
(Longevity Excluded)

SCHOOL A		SCHOOL B	
Staff	Expenditures	Staff	Expenditures
(15 years Experience)		(15 years Experience)	
8 Teachers	$160 (8 x $20)	8 Teachers	$160 (8 x $20)
(No Experience)		(No Experience)	
16 Teachers	$320 (16 x $20)	16 Teachers	$320 (16 x $20)
1 Principal	$ 36 (1 x $36)	1 Principal	$ 36 (1 x $36)
	$516		$516
Pupil/Staff Ratio 20:1		Pupil/Staff Ratio 20:1	

Step 2 indicates that although the schools were in compliance with the 1971 Hobson decree, they will not be comparable under Title I. In order for the schools to be comparable we need to add 2.8 full time equivalent staff members to each school to achieve a pupil staff ratio of 18:1.

Step 3 indicates that Schools A and B will be comparable if 2.8 full time equivalent support staff are added.

EXAMPLE IV

COMPLIANCE WITH HOBSON DECREE AND COMPARABILITY
(Moving Teachers)

Step 3

COMPLIANCE WITH 1971 HOBSON DECREE AND COMPARABILITY*

SCHOOL A		SCHOOL B	
Staff (15 years Experience)	Expenditures	Staff (15 years Experience)	Expenditures
8 Teachers	$160 (8 x $20)	8 Teachers	$160 (8 x $20)
(No Experience)		(No Experience)	
16 Teachers	$320 (16 x $20)	16 Teachers	$320 (16 x $20)
1 Principal	$ 36 (1 x $36)	1 Principal	$ 36 (1 x $36)
2.8 Support Staff**	$ 56 (2.8 x $20)	2.8 Support Staff**	$ 56 (2.8 x $20)
	$572		$572
Pupil/Staff Ratio 18:1		Pupil/Staff Ratio 18:1	

*School A and B are presently in compliance with Hobson when longevity is included and only teacher salaries are examined.

**Can choose among any instructional staff other than classroom and special subject teachers.

The option of moving teachers to achieve experience mix is clearly more reasonable (from an educational perspective as well as from a dollar perspective) than merely adding support staff. Since the District has attempted to mix teacher experience levels in the schools this is more representative of the actual situation facing the schools.

Our hypothetical examples indicate that it may be possible for the District to be in compliance with both the 1971 Hobson decree and the Title I guidelines, even if extremes in teaching experience are present in the staffing patterns of the two schools. The fact that it may be possible to do so, does not necessarily make it desireable.

In our next example, we will deal with the problem of making schools that are equalized at the extremes of the range (+5% of the District mean) according to the Hobson formula comparable with Title I guidelines. Assume School A has a per pupil expenditure for the Hobson decree of $616; School B has a per pupil expenditure of $672. The experience level is the same at both schools. Teachers have an average salary of $14,000 ($4,000 of which is due to longevity), or a per pupil expenditure of $28.

EXAMPLE V

COMPLIANCE WITH THE 1971 HOBSON DECREE
Equalization at the Extremes

SCHOOL A (-5% OF MEAN)	SCHOOL B (+5% OF MEAN)
22 Teachers (22 x $28 = $616)	24 Teachers (24 x $28 = $672)
Pupil/Teacher Ratio 22.7:1	Pupil/Teacher Ratio 20.8:1

Schools A and B are now both in compliance with the 1971 Hobson decree. Let us see what is necessary for them to be in compliance with the comparability guidelines as well. They must spend at least $513 per pupil and have a

pupil/staff ratio no higher than 18:1 in order to comply with Title I. Also, longevity is excluded: base salary is $10,000, or $20 per pupil.

Thus, with longevity excluded from the calculations the two schools look as follows:

EXAMPLE VI

EQUALIZATION AT THE EXTREMES
(Longevity Excluded)

SCHOOL A (-5% OF THE MEAN)		SCHOOL B (+5% OF THE MEAN)	
Staff	Expenditures	Staff	Expenditures
22 Teachers	$440 (22 x $20)	24 Teachers	$480 (24 x $20)
1 Principal	$ 36 (1 x $36)	1 Principal	$ 36 (1 x $36)
	$476		$476
Pupil/Staff 21.7:1		Pupil/Staff 20:1	

What is necessary for these schools to become comparable with the Title I guidelines? Both schools need additional staff in order to become comparable. School A needs an additional $37 per pupil, and at least 4.8 full time equivalent instructional personnel. School B, which was equalized at the upper 5% of the scale, needs only 2.8 additional full time equivalents. Example VII illustrates schools A and B in compliance with the 1971 Hobson and Title I.

EXAMPLE VII

COMPLIANCE WITH 1971 Hobson DECREE AND COMPARABILITY*

SCHOOL A (-5% OF MEAN)		SCHOOL B (+5% OF MEAN)	
Staff	Expenditures	Staff	Expenditures
22 Teachers	$440 (22 x $20)	24 Teachers	$480 (24 x $20)
1 Principal	$ 36 (1 x $36)	1 Principal	$ 36 (1 x $36)
4.8 Support Staff**	$ 96 (4.8 x $20)	2.8 Support Staff**	$ 56 (2.8 x $20)
	$572		$572
Pupil/Staff Ratio 18:1		Pupil/Staff Ratio 18:1	

*School A and B are presently in compliance with Hobson when longevity is included and only teacher salaries are examined.

**Can choose among any instructional staff other than classroom and special subject teachers.

In this case, compliance with both the 1971 Hobson decree formula and the Title I guidelines has resulted in schools equalized on the low end of the range for the Hobson decree compliance being given additional support staff under the Title I guidelines.

Although it would appear that the District can comply with both the 1971 Hobson decree and the Title I guidelines, members of the administration are talking about requesting the court to allow the Comparability Report to serve as a substitute for the Compliance Report. While there may be certain advantages to the administration in having to deal with only one formula and in having a greater range of resources to shift around in order to be in compliance with Title I guidelines, the disadvantages are considerable.

First, since longevity is excluded, comparability does not give Title I schools the option that Judge Wright alluded to, which is to employ more teachers because one employs inexperienced teachers. Second, a considerable amount of inequity in the distribution of funds and services can be masked

when individual schools are compared with a group mean. The following hypothetical example serves to illustrate the point.

The assumptions for Example VIII are as follows:

1. There are three schools, each with 500 pupils.
2. As in the previous example, the average teacher's salary without longevity is $10,000, or $20 per pupil.
3. School A is a Title I school; School B is a Title I eligible school, but does not participate in the Title I program, and School C is a non-Title I school, that is ineligible for Title I funds.
4. The Title I school needs only to be comparable (-5% to the non-Title I average expenditure per pupil of $540, and to the non-Title I average instructional staff ratio of 18:1).

If School C also had a staff of highly experienced people, as compared to Schools A and B, the actual per pupil expenditure might be even greater than the $240 discrepancy between Schools B and C observed in the preceeding example. The requirements of the 1971 Hobson decree that every school by within ±5% of the mean of all schools would not permit the kind of inequity demonstrated in Example VIII.

EXAMPLE VIII

COMPARABILITY ONLY

Title I School		Non-Title I Schools			
School A		School B (Title I Eligible)		School C (Non-Title I Eligible)	
Staff	Expenditures	Staff	Expenditures	Staff	Expenditures
24 teachers	$480 (24 x $20)	20.2 Teachers	$404 (20.2 x $20)	29 Teachers	$580 (29 x $20)
1 Principal	$ 36 (1 x $36)	1 Principal	$ 36 (1 x $36)	1 Principal	$ 36 (1 x $36)
2.6 Support Staff**	$ 52 (2.6 x $20)			3.2 Support Staff*	$ 64 (3.2 x $20)
	$568		$440		$680
Pupil/staff ratio 18:1		Pupul/staff ratio 23:1		Pupil/staff ratio 15:1	
Title I mean $568				Non-Title I mean $560	

Having discussed the possible negative consequences to the equitable distribution of funds and services that might occur if the District were merely to comply with the comparability guidelines, and having also illustrated that it is possible to comply with both the Hobson decree and the Title I guidelines, the task remains of generating and implementing a plan that satisfies both formulas. How would the District go about implementing the plan? What data are necessary? What administrative procedures are called for? What policy decisions must be made?

1. The data that are necessary to do the job are no more than the data that must be collected in order to comply with the 1971 Hobson decree or Title I guidelines alone. If the data system recommended earlier in this chapter for compliance with the Hobson decree were instituted, it would contain the necessary data for the compliance with Title I as well.

2. The administrative procedure necessary in order to achieve compliance with the two formulas simultaneously involves the merging of the two offices that prepare discrete reports, one to the court and one to the Office of Education, into a single office of compliance. That office would distribute teachers equitably in terms of longevity and services so that they comply with the 1971 Hobson decree, and then assign all other school personnel so as to assure compliance with Title I, as well.

3. The critical policy decision would be related to personnel assignment. No staff member should be sent to any school without first being assigned by the compliance office to assure that such staff does not put the school out of compliance with either formula.

While it is mathematically possible to be in compliance with both the 1971 Hobson decree and the Title I guidelines, many might argue that the problem with the manner in which the District complies with both these

formulas is not so much mathematical and administrative, as it is substantive. In adjusting to meet both criteria the District does not address the diverse needs of the various populations that attend the District schools.

In the distribution of regular budget funds in the elementary schools of the District, all children, regardless of age or socio-cultural background, are treated the same in terms of per pupil expenditures. There are no allowances in the formulas, as currently implemented, for different expenditures according to such factors as the age, the academic performance level, the socio-economic history or the ethnic background of the children. Nor is there any additional District of Columbia expenditures for children who attend schools in areas where there is a high mobility rate of children or teachers, where segregation is most extreme or where vandalism, truancy, etc., are acute. To the extent that such special needs are provided for at all, Federal funds, such as Title I, are used. The central question concerning many observers of the District school system is not whether the school system can comply with both formulas, but what better system, beyond a simple dollar equity based on the concept "one child, one dollar," can be devised for allocating resources.

Creating Alternatives

The task before us at this point is not merely to suggest administrative changes in data collection and distribution of resources so that the school system can, with minimal difficulty, effect legal compliance with both the 1971 Hobson and the Title I guidelines. It is rather to devise, if possible, alternative systems of resource distribution that would satisfy the court's desire to provide an "equal educational opportunity" to all children attending the D. C. Public Schools, and would satisfy the community's desire for "effective" schools.

Before examining alternative resource distribution systems used in other school systems, let us first describe some of the problems that have not been addressed in the present administration and implementation of both the 1971 Hobson decree and the comparability guidelines in the District of Columbia. Any new plan should address these issues:

1. Educational need. Equalization plans, as currently designed, treat all children as if they were exactly the same and make no allowances for individual needs.

2. Educational services. By looking exclusively at dollars, current equalization plans ignore access to services provided by these dollars.

3. Educational stability. Because enrollment, teacher placement and teacher salaries change over the course of the year, current compliance plans involve the movement of teachers and the disruption of school organization.

The value of any alternative plan will be assessed by the degree to which it addresses these issues.

Educational Need

Many states have disbursement formulas that attempt to address the issue of educational need through weighting systems. These weighting systems consider such factors as:

1. the costs of educating children at different ages: preschool, junior high, high school,
2. the costs of different types of education: academic, technical, vocational, and
3. the costs of educating different types of children: bilingual, poor, rural, handicapped.

The weighting systems are generally arbitrary ("picked out of thin air," to quote a state official charged with implementing one such system), or at best, based on current educational practices. Thus, for example, if the pupil/teacher ratio for kindergarten through sixth grade is set at 20:1, and the pupil/teacher ratio in the preschool is set at 10:1, then each preschool child would be counted twice in a weighting system (2.0), while other elementary pupils would be counted once (1.0). The important thing to keep in mind in examining different formulas for weighting to take care of educational needs, is that there is little supportive professional literature which indicates either the optimal class size for preschoolers or the size that is adequate for normal elementary pupils. The weighting is based primarily on a generally accepted notion that preschoolers need more adult attention than kindergartners or first graders.

Economically disadvantaged children and non-English speaking children generally score less well on achievement tests than do middle class white

children. Historically, schools with many poor and/or culturally different children have been severely discriminated against in the disbursement of funds for education. These two factors, among others, have led to the belief incorporated in several resource allocation programs, that such children now need more funds than the children who are generally achieving at or above the norm. Here again, it must be noted that there is no professional literature that can lend strong support to the notion that additional dollars equal additional achievement. The underlying assumption, however, is that whatever is good for achievers must be doubly good when intensified for non-achievers. Extra dollars at the school level usually translate into buying "more of the same."

Because at present the education profession cannot adequately define educational needs, socio-economic variables generally serve as proxies. Thus weighting systems have been devised that consider such student characteristics as family income (measured by such indicators as eligibility for Aid to Families with Dependent Children (AFDC), public housing, or free lunch programs), and ethnic background. In some instances the outcome measure -- student performance -- has also been used as a measure of need.

Examples of resource allocation systems that weight for some of the factors mentioned above are found in the following equalizing formulas:

1. New Mexico's plan weights for grade level, teacher training and experience, vocational education, bilingualism, and special education,[1]

2. Minnesota's plan provides an additional weighting for children who receive AFDC funds.

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1. The weighting for special education addresses the severity of the handicap rather than the type of disability.

3. The New York system has a weighting for underachievers as measured by standardized tests.

4. Alum Rock has a compensatory voucher for any child who receives or is eligible for free lunch.

5. Utah's plan has a weighting system for special education,[1] sparsity, and teacher training and experience.

6. And, in London, the Inner London Education Authority developed a composite "priority" index which includes weightings for the number of children who are poor, non-native, underachievers, and are in schools with high teacher and/or pupil mobility.

The weightings are of two types: general and categorical. The general weighting systems are used to allocate general purpose educational funds and do not require that the expenditures from these funds be allocated to children in proportion to their weightings. Weightings in categorically funded programs, on the other hand, generally result in extra funds being spent on the children to whom the weightings were assigned.

Access to Educational Services and Programs

Irrespective of systems that incorporate weighting and categorical programs, few educational systems are designed to assure that all children have equal access to all available educational services. The general programs that are intended to provide such access are the voucher system, school pairing, and the lump sum budgeting procedure.

The general notion of the voucher system is that it gives parents the option of "purchasing" any educational plan available.

> In an education voucher system, parents are given cash vouchers that they are free to spend to enroll their children in public or private schools of their choice. The vouchers are redeemable in public funds. Because vouchers follow the students, and because they constitute the schools' most important source of funds, schools must compete for students in the academic market place. The ones that attract many students can expand;

1. The weighting for special education considers not only the type of handicap but the type of treatment -- in regular or self contained classrooms.

> others may be forced to reduce their operations or even go out of business. Vouchers proponents claim that this process of selection and competition will enable parents to choose the schooling best suited for their children, will motivate the schools to respond to the demand for diversity, and will otherwise improve the quality of education[1].

The voucher system, as originally envisioned, was a plan to allow the free enterprise system to operate in the education market place so that parents might have access to all education programs available, and then might "buy" the one that appeared most attractive to them. While the "educational market place" has been limited to public education facilities in the Alum Rock voucher experiment,[2] it is nonetheless true that parents have the option of sending their child to any of the school programs in the voucher experiment. Thus, all children do have equal access to all the services the experimental school district offers.[3]

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1. Weiler, D., et. al., "A public school voucher demonstration: the first year at Alum Rock, Summary and Conclusions." RAND, 1974. Alum Rock is the site of the first major, Federally funded "voucher plan."

2. As Weiler points out, the Alum Rock experiment limited some of the central features of the original voucher plan: "The model currently being tested in Alum Rock differs from (the original voucher) plan in two major respects: only public schools participate, and the demonstration guarantees continued operation of schools and employment of teachers, regardless of "market" demand. These modifications raise serious questions as to whether the Alum Rock demonstration is a voucher system at all. It could be described as a system of open enrollment combined with decentralization of administration and instructional policy." Ibid, p.iii.

3. For further discussion of the operation of the Alum Rock Program see, Weiner, S. and Kellen, K., The politics and administration of the voucher demonstration in Alum Rock: the first year, 1972-1974. A working note." RAND, 1974.

The "six school project" of the District of Columbia represents a modest attempt to implement some of the features involved in the voucher system at Alum Rock. All children living in the neighborhood of the six small West of the Park schools are entitled to attend any of the six schools. The schools have attempted to attract students with innovative programs and staffing. Since each child has a "mandated per pupil expenditure" to the extent that school expenditures according to the 1971 Hobson decree are figured on enrollment (budgets for equalization are projected at the rate of $699 per pupil), attracting a particular child to a school is quite similar to receiving a voucher to educate him. One of the six schools has become a resource center for the remaining five schools; another school has become a primary school, a third is now a middle school. One school tends towards a "traditional" schooling program, while another is more "open classroom" oriented. While there is not a great deal of flexibility in terms of expanding the facilities when there is excess demand, the six school plan is a step towards more choice in school offerings.[1]

While the voucher system theoretically allows children equal access to diverse programs, the practice of pairing schools allows children in the same general area equal access to the education services of that area. The Tri-school Project in the District of Columbia is an example of such

1. Brief interviews with some of the parents involved in the six school project indicate that while some progress has been made, the parents feel they do not have enough autonomy in staff selection and development really to institute experimental programs.

pairing.[1] Three schools in an area bounded by a railroad track, a river, and a major expressway were administratively merged into one school, with three building sites. All children in the area attend Syphax School for Grades 1 and 2, Amidon School for grades 3 and 4, and Bowen School for grades 5 and 6.[2] The Tri-school project, initiated prior to the 1967 Hobson decision and the six school project, begun in response to dwindling resources as a result of the 1971 Hobson decision are both examples of how children originally attending schools in contiguous neighborhoods are able to have equal access to all the services offered in any one school.[3]

The lump sum budgeting procedure is another plan that allows greater access to educational offerings to the community.[4] The notion in this instance is that the school is the central agent in determining what services it offers. Instead of being assigned teachers, administrators, librarians, and counselors from a central source, each school site has a certain number of dollars and can buy any services it wishes. Thus, if a

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1. Three schools in a mile radius were "paired." First and second grade were in one school, third and fourth in another and fifth and sixth in the other. All three schools maintained their former kindergartens.

2. Interviews with parents indicate that there is not as much interaction among the three school units as originally hoped for.

3. The court in 1967 ruled "open enrollment" illegal because not all students were able to take advantage of the opportunity. (See Chapter II, p. 29). Any plan presented to the court would have to demonstrate safeguards to allow all children access. In 1971, the court also ruled against merging schools, and specified that each school was to be compared with the mean of all other schools.

4. For further information, see, Guthrie, J., "School Site Budgeting Report to Oakland Public Schools," Berkeley, 1974.

school wanted to specialize in science or art, it could staff accordingly. If a school wanted to purchase additional teachers rather than support services such as librarians, speech teachers, etc., it would have that option.

The District of Columbia has attempted to implement a limited school budgeting procedure in requesting schools to indicate what services it would like to add or delete should the demands of equalization warrant change in the current staffing pattern of the school. The lump sum budgeting procedures would expand the range of options for the school.

Educational Stability

As long as resource distribution is related to the number of children serviced, there will have to be some moving of resources as the enrollments change. All the alternative systems that we described in this chapter receive money on the basis of their enrollment figures. In order to have a stable system it will be necessary to create an information network that will allow schools to be alerted to possible problems in resource allocation as their enrollments shift.

The city of Memphis has developed an information system for school-by-school reporting for comparability that might be quite helpful to other school systems. The Memphis system can report, on a day by day basis if necessary, what schools are or are not comparable. Using such a system to provide necessary information before services and personnel are assigned to schools might avoid moving teachers during the school year.

Summary

The District is currently under a court order to distribute resources according to a specific formula. In order to change that formula, the District must get permission from the court. The District is also the recipient of large amounts of money from the federal government, under Title I. In order to continue receiving that money the District must distribute resources according to a different formula. If the school system wishes to change the formulas, it must have an adequate data base so as to demonstrate the difficulties of complying with either or both of the present equalization formulas. It must also be able to demonstrate the effect of any proposed changes on the distribution of resources throughout the system. Until such a comprehensive school-by-school information system is in place, the District will have difficulty returning to the court with any reasonable proposal for change and will continue to have problems preparing the compliance and comparability reports.

CHAPTER VII

CONCLUSIONS

The courts have played a central role in the District of Columbia's quest to provide an equal educational opporunity for all its pupils. Indeed, the court room has been the setting for redefining "equal educational opporunity" during the school system's history.

Plessy v. Ferguson,[1] while not addressing educational issues, provided the legal base for segregated (separate but equal) school systems. In 1954, following the Bolling and Brown decisions, the definition of "equal opportunity" was changed to include "desegregation". After the 1971 Hobson decision, "equity" was defined so as to include a formula for the distribution of teacher salary expenditures.

The Brown and Bolling decisions provided the necessary impetus for desegregation of a formerly de jure segregated system. By the mid-sixties in the District of Columbia the student enrollment was over 90% black, while the faculties in the vast majority of schools were barely desegregated.[2] In addition, administrative policies which dealt with desegregation were not effective in providing an opporutnity for equal education for the diverse children in the District of Columbia schools.

By the mid-sixties the language before the court had shifted from "desegregation" to integration. The Hobson v. Hansen focused mainly on the administrative policies which hampered integration. Although equal distribution

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1. Plessy v. Ferguson, 163 U.S. 537 (1896).

2. Over 85% black or white.

of resources was a factor in that case, the central thrust of the suit when first filed was the failure of the District to achieve integration. By 1970 it was clear that the focus on achieving integration in the District of Columbia had become a fruitless, false issue. The central theme of Hobson's later return to court shifted from integration to a concern with school expenditures.

The definitions of equal educational opportunity imposed by the court rested on objectively measureable inputs, either in terms of distribution of white and black students and faculty or in allocation of dollars. The underlying motivation for these court orders was the assumption that changes in input would cause changes in educational output as measured by academic achievement and school retention rates. In fact, had output been similar, it is unlikely that the action would have been brought regardless of the inequity of input.

Educational achievement of children in the District of Columbia public schools has not improved demonstrably since the initiation of Hobson's suit against the system. What then has been the outcome of court intervention in school affairs?

1. The 1967 decision was responsible for ridding the school system of the "tracking" system. While the court was able to eliminate the tracking system it did not say what should replace it. Since then, the school system has, to date, had difficulty in devising adequate means to meet the special needs of the diverse children it is charged with educating.

2. The 1967 Hobson decision was the important factor in reducing overcrowding in the Anacostia schools. While voluntary busing, which has been considerably reduced over the seven year period, was a short range solution, the long range solution of providing new and better facilities is clearly an outcome of the 1967 decision.

3. There were some boundary changes following the 1967 decree and some enrollment shifts, including a decrease in white attendance at public junior high and high schools.

4. While further faculty and administrative desegregation occured, like student enrollment, it became a moot point in a school system whose elementary teachers are now over 90% black.

Although the 1967 decision did not specifically provide for equalization of salary expenditures across schools, the busing and building programs reduced the overcrowding in Anacostia. This in turn, tended to reduce somewhat the discrimination in allocation of resources among schools.

Despite the 1967 decree's focus on school-level affairs, the administration did little to improve the reporting of school-by-school resources as an aid to policy making. The system instituted programs to comply with the court order but did not attempt to evaluate the effect of those policies. The school system did not create administrative machinery to monitor school affairs following the 1967 decree.

The 1971 Hobson decree attempted to deal with these problems by requiring the school system to report to the court on a school-by-school basis, and to report information about expenditures above and beyond those resources to be equalized. What has been the effect of the 1971 Hobson decision?

1. While our data indicate that compliance is by no means complete, the dollar distribution of resources is clearly an improvement over the situation in 1970.

2. There has been an improvement in the data base used for implementing equalization. However, that data system is isolated from other school affairs. The equalization task is perceived as a single chore of the system, essentially unrelated to other school functions. Even the Title I comparability office is separate. Members of the equalization staff do not participate in Title I decisions to add more staff for compliance with comparability guidelines; Title I staff are not present when the equalization office shifts teachers to effect compliance with the 1971 Hobson decree. Thus, neither office knows the consequences of its actions on the other's task. In the fall, staff members are ostensibly shifted for Hobson decree compliance; later, shifts are made for compliance with comparability.

3. As with the 1967 case, and despite the Judge's obvious displeasure during the 1970 court case, the District has not instituted a process that allows continous evaluation of the effect of the implementation plans on the schools. The equalization office prepares the report to the court and sends it on to the superintendent who presents it to the Board and then sends it on to the court. No one person is held accountable for assuring either the court or the public that teachers are actually where they should be according to the report.

What can be done to assure compliance in the future? There are several administrative procedures that might be instituted:

1. vacancies might be assigned a dollar figure related to the salaries of teachers generally hired to fill vacancies, rather than the dollar figure representing the average of all teachers.

2. personnel policy of retraining and recruitment might be initiated so that an equalization plan includes only teaching positions that are likely to be filled promptly.

3. the principals might be sent a list of staff members assigned to their schools and held accountable if those persons did not appear.

4. in preparing reports to the court, the school system might be required not only to present a "point in time" compliance report for every school, but also to include school-by-school accumulative expenditure reports for the preceding year of all expenditures in all categories required by the court. Currently only "projected" expenditures are submitted.

5. the budget office, the equalization office, the automated information office and the comparability office might all be required to participate in the preparation of compliance reports both for the court and the Office of Education.

6. the schools might be required to publish annually a school-by-school accounting of all resources, services, and special programs available to schools.

While instituting the above procedures might well result in the actual dollar equalization of schools for both the Hobson and comparability formulas (or at least to highlight the difficulties inherent in complying with both) it is doubtful that moving present resources from place to place will in itself effect change in educational outcomes.

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Parents, Principals and Teachers in the 38 schools studied

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A CRITIQUE OF "A QUEST FOR EQUAL EDUCATIONAL OPPORTUNITY IN A MAJOR URBAN SCHOOL DISTRICT: THE CASE OF WASHINGTON, D.C."

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July 1975

A CRITIQUE OF "A QUEST FOR EQUAL EDUCATIONAL OPPORTUNITY IN A MAJOR URBAN SCHOOL DISTRICT: THE CASE OF WASHINGTON, D.C." 1/

To date the Public School System of the District of Columbia has not conducted a formal, systematic study of the impact on D.C. public education of a 1971 court decree ordering the equalization of expenditure in elementary schools of the District. Therefore, the D.C. school administration welcomed research into the effects of equalizing per pupil expenditures by the Syracuse University Research Corporation, the D.C. Citizens For Better Education, and the Educational Testing Service Education Policy Research Institute.

In anticipation of a scholarly, dispassionate report on the implementation of the Wright Decree and its impact on the school system, the D.C. school administration cooperated fully with the researchers, granting full access to school records, public documents, historical files, and to school personnel.

However, the final report issued in June 1975 by the Educational Policy Research Institute--ETS, A Quest for Equal Educational Opportunity in a Major Urban School District: The Case of Washington, D.C., 2/ fails

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1/ This critique has been coordinated and developed by Joyce Leader, Office of Planning, Research, and Evaluation, Public Schools of the District of Columbia.

2/ Baratz, Joan C., A Quest for Equal Educational Opportunity in a Major Urban School District: The Case of Washington, D.C., Syracuse University Research Corporation, 1975. Referred to in this critique as: the equalization case study, the case study report, or cited as ECS with appropriate page references.

to present constructive, scholarly analysis of the impact of the equalization order. Most of the procedural recommendations made in Chapter VI are already being done by the school system. Those that are not in effect are either irrelevant to the court order or would require an infusion of resources unavailable given current budgetary constraints. The comparison in Chapter V of the allocation of resources prior to the Court Decree in 1971 which the allocation three years later in 1974 bogs down in a discussion of the "disparities" between resource allocation reported to the court in December 1973 and resources actually in the schools in January 1974 with no discussion of the variables that make this so, such as teacher and student mobility. The discussion of alternatives in Chapter VI bogs down with a discussion of whether the school system can be expected to comply with both the equalization decree (that bases expenditure computations on teachers salaries, including benefits) and the U.S. Office of Education Title I Guidelines (that base expenditure computations on teachers salaries, excluding longevity and benefits, and pupil/teacher ratios). The report's conclusion that it is possible for the school system to comply with both formulas is based on hypothetical models so far from sound educational practice and school system policy as to be unrealistic. This tangential section fails to refute the school system's contention that allocation of resources to satisfy both formulas is moot.

To point out factual and interpretive errors that derive from subtle twists of language and statistics, from the use of erroneous and incomplete information, from the omission of relevant information, and from the biased

selection of source materials would require a critique equal in length to the case study. Therefore, this critique will highlight particular problems with the report and offer information to clarify some of the misleading interpretations.

Societal Context

Limited and misused source material for information on the historical situation of Black people in the District of Columbia results in an analysis that "blame the victim" for the injustices of the past and the inequities of the present.

In discussing the Washington, D.C. setting for equalization in Chapter II, the case study conveys an impression that Black administrators in Division II of the school system--the segregated Black division--had independent control over policy-making and fiscal matters, diverted financial resources to the "most promising" students, and rejected "integration" to protect black elitism. To support its contention that "... the black (sic) school division adopted a policy of devoting a large percentage of its meagre resources to those schools it considered were serving the most promising students" (ECS, p.16), the report cites an article about Dunbar High School, an all-Black school until 1955 renowned for its impressive list of well-known graduates. However, the article, "A Case of Black Excellence" by Thomas Sowell (Public Interest Spring 1974), presents information that in fact refutes the claims of the case study. The source cites evidence to show that a majority of Dunbar students, who selected themselves for this non-neighborhood school, were not children of middle-class professionals, were not light-skinned Blacks, and were not above average intellectually. Nor did the school

have an undue share of the educational resources. Writes Sowell: "Dunbar was of a segregated school system, administered by whites at the top and perennially starved for funds." (Sowell, p. 9).

The case study also claims that historically "... black middle class teachers preferred the "rewards" that came from teaching in schools serving pupils who were more easily motivated to learn" (ECS, p. 17). To support this contention, reference is made to a 1971 Rand Corporation teacher mobility study in San Diego, a setting totally irrelevant to the historical situation in the District and unsupportive of such a claim.

Educational Considerations

The court's 1971 equalization decree permitted the school system to seek--with "adequate justification"--exemption from equalization calculations for schools in two categories:

1. Schools which provided "compensatory education for educationally deprived pupils..." (327 F. Supp. at 864)

2. Schools whose per pupil expenditure varied from the city-wide mean by more than + or - 5% where "that variance... is accounted for solely on the basis of economics or diseconomies of scale..." (327 F. Supp. at 864)

Chapter IV of the case study reports charges that the D.C. School Board disregarded these options and failed to incorporate considerations of educational need in its implementation policy: "The options referred to in the court order ... were not considered. ... The Board did not chose to deal with any such questions regarding educational needs" (ECS, p. 65-66).

Information available to the researchers, but not present in their case study, clearly shows, however, that the Board considered both exemption options in developing its equalization plan and incorporated educational considerations. The first compliance report, submitted by the D.C. School Board to the court October 1, 1971, explains the Board's reasons for seeking no exemptions from equalization for any D.C. school at that time.

Two reasons were offered for seeking no compensatory education exemptions. The terms of the 1967 court decision, binding on the D.C. Public Schools, justified compensatory education "to overcome the detriment of segregation" (269 F. Supp. at 515). The Board decided that, because 95 percent of the pupils in the D.C. schools in 1971 were Black, "almost all schools now would be deserving (of compensatory education)--a circumstance which on the one hand precludes "compensatory" attention as commonly understood, or on the other, forces the development of more specific criteria to isolate schools with the greatest needs." 1/ The Board also noted in its 1971 compliance report, that Federal funds, allocated according to need criteria and not subject to equalization under the 1971 court decree, " are used for contemporary programs based on the needs of children." 2/

On the question of economies of scale -- an argument used by the D.C. school system to explain the high per pupil expenditure of small schools when compared to that of large schools -- the Board noted in

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1/ Compliance Report, September 28, 1971. Public Schools of the District of Columbia. Washington, D.C., 1971, p. 39.

2/ Ibid. p.39.

the 1971 Compliance Report: "As the Court notes, the amount of variation in teacher costs per pupil explained by economies of scale is unknown and the School Board has chosen to seek at this time no exemptions on grounds of economies of scale." 1/

Neither of these decisions was considered absolute or final. But time was a crucial factor in planning the initial implementation. There were just four months between the May 25, 1971, decree and the October 1 reporting deadline. The court order permits the school system to develop approaches to equalization other than the one specified in the 1971 orders, and currently alternatives are under consideration that would utilize specific criteria to isolate schools with the greatest needs in order to go beyond the dollar-for-dollar equalization currently in effect.

During the initial period of policy development, however, priority focused on minimizing disruption to the educational program, the students, and the teachers who would return to school in September. In accordance with this policy priority, the 1971-1972 school year equalization plan exempted from transfer: 2/

1. Teachers in schools where per pupil expenditure was already within + or - 3% of the city-wide mean (contrary to a statement in the case study report, p.72).

2. Teachers trained with their principals as reading or mathematic mobilization team leaders in accordance with the city-wide Academic Achievement Project.

1/ 1971 Compliance Report, p. 38.

2/ Ibid. p.3.

Special subject teachers, though not exempt, were reassigned manually by subject department heads "because assignment of special subject teachers requires complex educational judgments in the subject areas." 1/ Assignments in these categories were frozen before the computer simulated alternative assignment possibilities for the other elementary classroom teachers.

From among the classroom teachers not frozen into their positions, a list of reassignments was generated by a computer programmed to consider: the staff experience mix at each school, pupil teacher ratios at each school, the percent of the staff that was Black and male at each school, the distribution of teachers at each level (K, 1-3, 4-6) in proportion to the number of students at each level, and the disruption to teachers that might affect their performance. 2/ For the opening of school in September 1971, the first year of equalization, fewer than 300 elementary classroom teachers, about 10 percent, were reassigned. 3/

It is curious that the case study report fails to present information from the 1971 Compliance Report to document its Chapter IV discussion of equalization policy development. In fact, the 1971 Compliance Report to the court is cited just once (ECS, p. 69), a reference to a table showing the distribution of special subject teachers before and after adjustments were made for equalization. Reports submitted to the court in subsequent

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Compliance Report p. 3.

Ibid. p. 50-51; p. 3

Ibid. p. 3.

years are not cited at all. While the chapter does include nine references to School Board meetings held during the summer of 1971 in discussing the management of implementation, heavy reliance is placed on the use of secondary sources: newspapers. Nine statements in the chapter are document with reference to Washington Post articles and editorials; three, to the Washington Star; and one to the Washington Daily News. This reliance on secondary source material in lieu of primary source material raises serious questions about the scholarship of the report, the accuracy of its information base, and the objectivity of its analysis.

Equalization Implementation Procedures

Nowhere in the equalization case study are the on-going administrative procedures for implementing equalization in the District schools explained. The recommendations offered in Chapter VI (ECS, p. 177-180) for assuring future compliance would have the reader believe that provisions for accountability or continuous up-dating of information are currently non-existent.

To the contrary, most of the recommendations offered are already integral parts of the equalization implementation process. Although the court requires schools to be equalized as of December 1 of each school year, implementation is viewed as a continuous process. The main on-going task of the equalization office, staffed by one person, is to maintain accurate up-to-date information on the assignment of the more than 3,000 elementary teachers and aides, the salaries and benefits assigned to these teachers and aides, and the enrollment in each of the elementary schools. This data is collected, corrected, and verified during each spring and fall prior to the reallocation of resources to bring each school into compliance with the court order.

The case study suggests in several recommendations (ECS, p. 179) that the school system should develop the capacity to generate compliance reports monthly to determine which schools are in or out of compliance at any given point in time, with the rational that this will "make the December compliance less disruptive" (ECS, p. 179). The school system totally rejects this suggestion if it is intended to imply that resources should be shifted into or out of a school every time the school slips outside the legal per pupil expenditure corridor. This would involve continual shifting of staff and would prove totally disruptive to the educational process. If on the other hand, it is intended to imply that the school system should monitor compliance with the court order, the school system would agree. However, currently there is no monitoring system distinct from the implementation process of up-dating and verifying computer information files. Funds have never been available for the data collection and on-site validation that would be required for monitoring. In fact, since 1971, budget constraints have forced a reduction from three to one in the number of staff assigned to the Equalization Office.

Analysis of the Impact of Equalization

The methodology used in Chapter V of the case study report to analyze the impact of the equalization decree on the distribution of "measurable educational inputs" raises serious questions concerning the scholarship of the report. Problems include sample selection, misuse of data, and digression to a tangential issue totally outside the specified research framework.

The first part of the impact analysis was to be a comparison of teacher assignment patterns prior to equalization (March 1971) with those of three school years later (1973-1974). The methodology was to focus on "extreme cases," that is, schools with per pupil expenditures farthest from the city-wide mean. But instead of examining teacher assignment patterns in the "high" and "low" schools for both 1971 and 1973-1974, the analysis follows schools designated "high" and "low" on the basis of 1971 data only. Use of this sample permits a change analysis of discrete cases only and precludes generalization to the school system as a whole.

The data, however, on change in these discrete cases is mistakenly treated as group data with implications for the impact of the equalization decree on the total school population. This results in statistical findings that -- despite their apparent significance and favorableness to the school system -- are in fact meaningless.

For example, a comparison is made (ECS, p. 122) based on data in Tables V-9 and V-16 to show that the difference between the mean per pupil expenditure of "high" and "low" spending clusters of schools was reduced from 49% to 3% between 1971 and 1974. This, however, is a meaningless finding. By 1973-1974, the "high" and "low" groups of 1971 no longer clustered at the per pupil expenditure extremes. Instead, by 1973-1974, each group of sample schools contained per pupil expenditure means that spanned the entire range of allowable means. After three years of equalization, the case study's selected sample schools -- labeled "high" and "low" according to 1971 data -- clustered around the city-wide per pupil expenditure mean instead of at the expenditure extremes. No

information is presented about the schools that clustered at the extremes in 1973-1974.

Thus, the analysis that set out to compare teacher assignment patterns by focusing on extreme cases fails to analyze the extreme cases of 1973-1974 and uses meaningless, misleading conceptual labels -- "high" and "low" -- for groupings of selected sample schools. If the researchers wish to depart from the treatment of discrete cases in order to make generalizations about changes in the school system as a whole, then they must reorganize their data and use comparable subsamples.

The case study analysis is further confused by the use of inappropriate data to determine the 1973-1974 status of the selected sample of "high" and "low" schools. The per pupil expenditure means shown in Table V-11 (ECS, p. 120-121) are calculated by the researchers on the basis of January 1974 membership and payroll data. However, the school system currently bases equalization and individual school compliance on membership as of the last Thursday in September and payroll as of October 1. The rationale for using January data, according to the case study report, is that the reallocation of resources authorized in the equalization plan reported to the court in December should be accomplished by January (ECS, p. 121, footnote). This reasoning ignores both the dynamics of the data and the letter of the law.

1. Per pupil expenditure is a fluid statistic. Neither of its components -- staff membership and salary; pupil membership -- is static.

2. Equalization, in accordance with the 1971 court decree, is a point-in-time adjustment of resources. The school system is not held legally liable for maintaining continuous compliance.

Therefore, the use of January data to explain the status of selected schools in 1973-1974, without even a mention of their status as reported to the court in the 1973 Compliance Report, is grossly misleading and dishonest.

Further, even though the case study report uses January 1974 data to calculate the per pupil expendture of its selected sample schools, the December 1973 city-wide mean per pupil expenditure figure is used to determine whether these sample schools were in compliance with the court order (ECS, p. 122). This procedure is just not methodologically possible. If January data is used to calculate per pupil expenditures -- as in the case study report -- then January data, not a December figure based on September and October data, must be used to calculate a comparable point-in-time city-wide per pupil expenditure mean. Only then would there be a common data base for making legitimate determinations of compliance for each school in the sample. As the data has been used, all out-of-compliance determinations noted on Table V-11 (ECS, p. 120-121) are meaningless.

After using erroneously juxtaposed data to determine whether selected sample schools are in compliance, the analysis sinks deeper into a quagmire of data confusion. The study then digresses from an analysis of the changes in resource distribution between 1971 and 1973-1974 to an examination of the so-called "disparities" between the January 1974 resource allocation as calculated by the researchers and the December 1973 resource allocations reported by the school system to the court in December 1973: "While there is considerable agreement between the two

(the November 1973 Compliance Report and the January 1974 membership), it is the differences that are at issue concerning compliance with the court order" (ECS, p. 122). The lengthy digression which follows (ECS, p. 123-152) includes three detailed charts (V-12, V-13 and V-14) and has nothing to do with an analysis of changes in resource allocation between 1971 and 1973-1974. The thrust instead is to build a case -- using phrases such as "the staff allegedly assigned to those schools by the administration" (ECS, p. 123) -- for school system mismanagement and lack of faith in dealing with the court.

The school system, however, denies the report's implied charge of intentional misdirection of resources and lack of good faith in implementing the equalization plan as reported to the court. It also freely admits that resource differences do exist between the plan submitted to the court in December and the per pupil distribution at any given point in time following that submission. A necessary time lag occurs between the computer analysis of up-dated equalization files, the reassignment of resources, and the assumption of new assignments by teachers. This time lag means that if a few families move in or out of a neighborhood (especially where schools are small), or if a teacher resigns, a number of schools could conceivably be out of compliance with the letter of the law by the time new resources reach the school. Despite numerous accountability checks built into the equalization process, "disparities" cannot be avoided. Differences that occur following the December 1 date for reporting to the court are adjusted

the following year. Legally, the school system is not responsible for maintaining continuous compliance which would be, in fact accountability for the mobility of its teachers and pupils.

If any conclusions can be drawn from this methodologically faulty digression based on erroneously juxtaposed data, they are the following:

1. The Equalization Plan submitted to the court in December based on calculations that use September and October data, must be viewed as a model for the per pupil allocation of "measurable educational inputs" during the remainder of the school year.

2. Teacher and student mobility seriously affect the stability and enduring accuracy of per pupil expenditure calculations.

3. Anything other than the current point-in-time equalization reporting system would result in continual shifting of teacher resources, a situation considered disruptive enough when it occurs once a year.

Equalization and Compliance with Title I Guidelines

The school system maintains that the 1971 equalization decree and the Office of Education Title I Guidelines are incompatible and cannot both be accomplished within the framework of sound educational policy. The case study report attempts to demonstrate in Chapter VI the compatibility of these conflicting formulas, but instead proves that the internal logic of the formulas requires educationally unsound policy if both the court and the Office of Education are to be satisfied.

The case study analysis bases its conclusions on model situations so atypical that they lack heuristic value. The "extreme cases" used

in Examples I, II, and III (ECS, p. 186-189) are two schools, A and B, each with 500 pupils. But School A has twice as many teachers as School, B and School A has all inexperienced teachers, while School B has all experienced teachers. The pupil/teacher ratio at School B (31.2:1) exceeds the School Board policy limit. Neither has any special subject teachers, and both are equalized at about 3.8 per cent below the city-wide mean of $666.45, the compliance standard in December 1973.

Examples II and III demonstrate the absurdity of such a model. To make School B comparable under the Title I formula, which excludes the longevity pay of its all-experienced staff, 9.8 support staff must be added to bring the mean as calculated by the Title I guidelines above the $513 lower limit and to bring the pupil/staff ratio down to 18/1. However, there is no guarantee that this school of 500 students needs a librarian, psychologist, speech teacher, counselor, etc., the only type of staff that could be added without throwing the school out-of-compliance with equalization. In addition, no school with fewer than 600 pupils is entitled, under School Board rules, to an Assistant Principal, as is added to School B in Example III. The report gives no indication as to the source of these support staff or their salaries. Any addition of support staff at one school means the deletion of such services at another, a complexity the school system must face that is totally absent in the two-school examples used for analysis in the case study. Further, although the pupil/staff ratio is lowered at School B, the pupil/classroom teacher ratio remains unchanged, i.e. above the Board limit. This proposed "solution" for making the schools both "equal" and "comparable" thus has no educational rationale, a criteria

emphasized as non-negotiable throughout the case study report and considered non-negotiable by the school system.

Example IV, Steps 1, 2, and 3 (ECS, p. 190-192) alters the assumed characteristics of Schools A and B by mixing the experience levels at each school, a situation which, as the case study report indicates, is "more representative" of the true situation "since the District has attempted to mix teacher experience levels in the schools" (ECS, p. 193). To achieve comparability however, each school requires 2.8 additional support staff. Again, there is no indication of the source of these personnel or their funding and no educational rationale for their addition is evident.

Examples V, VI, and VII (ECS, p. 193-195) attempt to show that even schools equalized at the extremes, but within the 5 percent corridor above and below the city-wide mean, can be made comparable. School A with an equalization mean of $616 is assumed to be at the minus 5% level. In fact, because the lower limit for equalization was $632.18 in 1973-1974, the school in the example is not in compliance at all. Its mean of $616 is actually 7.4 percent below the city-wide mean of $665.45. (Throughout the discussion of these examples, it should be noted that the case study report fails to clarify exactly what the city-wide mean for equalization and its $\pm$5 percent corridor was for the year in question). Also, the "solution" again requires the addition of support staff, for whom there may be no educational rationale and of which there is no unlimited supply.

The case study report claims that "comparability does not give Title I schools the option that Judge Wright alluded to, which is to employ more teachers because one employs inexperienced teachers" (ECS, p. 195). To the contrary, if the examples given in the report show anything, they show that the best way to ensure that a Title I school will be both "equal" and "comparable" is to equalize it with the largest number of the lowest paid teachers. This will keep the school's salary component high when longevity is excluded, keep its pupil/staff ratio low, and thus require the minimum of staff reassignment. This logic suggests restrictions on staff assignment and local school decision-making that defy consideration of educational need and sound educational policy.

The case study report states that "inequity in the distribution of funds and services can be masked when individual schools are compared with a group mean" (ECS, p. 195), as in the case in the Title I comparability formula. In context, this statement is used to support the report's contention that the comparability formula -- which lacks an upper limit -- cannot replace the equalization formula in ensuring an equitable distribution of resources. However, the implication that a closer examination of non-Title I schools and their relationship to the non-Title I per pupil expenditure mean could reveal previously "masked" inequities seems worth persuing. A ranking of all non-Title I schools according to their mean per pupil expenditure where longevity is excluded might reveal just where the high salaried, experienced teachers are actually teaching. Similarly, a ranking according to pupil/staff ratios might reveal specific groups of schools either at the top end or the bottom end of the scale.

Cost of Equalization

An analysis of the impact of equalization on the school system is incomplete without some consideration being given to the costs involved. This is not to suggest that there could be some trade-off between the benefit derived by pupils from equalized access to educational inputs and the costs to the system of reallocating resources. But the cost of the current method of equalization should be a factor in evaluating it against recommended modifications or alternative procedures. No consideration of cost is included in the case study report.

Determining the cost is not an easy task. If central office and field staff time is to be used as a measure of cost, time-consuming data collection must be undertaken. The school system has not, to date, kept a record of such costs for equalization alone; the line-item rather than program budget of the school system makes such record-keeping a tedious process. Some rough and partial estimates, however, can suggest the magnitude of such costs.

To assist the school system in setting up the initial implementation procedures between the June and October, 1971, contracts were awarded totaling $94,753.71. During the first year of implementation, several top school officials devoted a considerable portion of their time to implementation:[1/]

1/ Estimates from the school system's current equalization officer, Betty Holton, who has worked with equalization since the 1971 decree.

Staff	Estimated Time
July 1971 - October 1971 (4 months)	
Vice-Superintendent	40%
Exec. Asst. to the Vice-Superintendent	60%
Asst. to the Vice-Superintendent	100%
Asst. to the Vice-Superintendent	100%
Admin. Asst. to the Vice-Superintendent	20%
Clerk-Typists	170%
November 1971 - June 1972 (8months)	
Vice-Superintendent	10%
Exec. Asst. to the Vice-Superintendent	20%
Asst. to the Vice-Superintendent	70%
Asst. to the Vice-Superintendent	70%

Since July 1972 the Equalization Office has been cut back to one person who works almost full-time on implementation. Occasionally, just prior to the presentation of the equalization plan to the court, additional staff have been detailed to assist in that office. A total costing of equalization according to staff time estimates would include the time spent by personnel in the school system's computer center, the cost of supplies, the cost of computer runs, and the cost of time spent by the Corporation Counsel, Board members and all the persons in the schools who collected or verified data for computerized information files.

If the costs are to be measured in terms of disruption to the teachers, pupils, and educational program, then another type of data collection and investigation needs to be undertaken. None of these aspects of the impact of equalization on the school system have been touched on in the case study report.

Benefits of Equalization

Not all of the results of equalization would be classified as costs. The equalization process has produced some valuable side effects

that have contributed to reducing the inequities of practices inherited from the once segregated, dual school system. Previously informal procedures have become formalized; previously vague policies have been clarified or defined. For example, although "equal access" was defined by the court in terms of the allocation of regular operating budget funds, the equalization process has had a positive effect on the reallocation of capital funds as well. The entire construction program was examined and overhauled in an effort to reduce the overcrowding in the under-funded Anacostia region. The equalization process also had an impact on the procedures used for determining the allocation of Title I funds prior to the current comparability guidelines. Procedures for allocating money for textbooks and supplies, expenditures not regulated by the court decree, were revised along per pupil expenditure lines. The case study report makes no reference to school system operating procedures affected positively by the equalization decree.

Fundamental Questions

The prospect of other school jurisdictions adapting Judge Wright's 1971 Equalization Decree as a model for adjusting resource allocation inequities makes it imperative for some fundamental questions to be raised on the basis of the D.C. experience. The case study report, however, fails to raise such questions. Instead the report approaches the case study analysis with unchallenging acceptance of the logic of the court decree. By doing so, the report implies that justice derives compliance.

Judge Skelly Wright's decision in Hobson v. Hansen (1971) is one of a number of court decisions that attempts to add substance to the legal definition of "equal educational opportunity." It contributed the concept that equal educational opportunity consists of equal access to objectively measurable educational inputs. The court interpreted this concept in terms of expenditure per pupil for teachers and reasoned that equal opportunity could best be achieved by equalized expenditure. The court-order remedy to redress the imbalance found in the allocation of D.C. teacher resources required that the mean per pupil expenditure for each school not vary by more than ±5% from the city-wide mean per pupil expenditure. The intent of the equalization decree was to force a reallocation of resources that would distribute "quality teachers" -- defined as the most expensive teachers according to their salary level -- more equitably throughout the school system.[1/]

Two questions that should be raised, which are not touched on in the case study report, are:

1. Are "quality" teachers best identified by the length of their teaching service as indicated by their salary level (including longevity increments and benefits)?

2. Does equal expenditure on pupils mean they have equal access to educational opportunity?

In arguing its case in 1967 and 1971, the D.C. School System maintained that teachers' salary scales are based on experience, not performance, and that research has not shown experience to have a significant correlation with performance as measured by student achievement. In both its 1967

1/ Hobson v. Hansen, 327 F. Supp. 864 (1971).

and 1971 decisions the court rejected this argument on grounds that D.C.'s teacher recruitment efforts to attract and hold experienced teachers by offering them attractively high salaries were a "testimonial" to the fact that experience is a "real asset for a teacher" (269 F. Supp. at 434).

Does the evidence of equalization bear this out? Are students in schools that received high paid teachers as a result of equalization demonstrating greater mastery of reading and mathematic skills? The case study report does not explore this. It touches on the issue of the impact of equalization on academic performance (ECS, p. 163-164), but its finding that some schools in the "high" group and some in the "low" moved up or down a quintile at the end of three years of equalization is meaningless. It does not relate that movement to the school's expenditure level or its staffing pattern. Some form of analysis that relates teacher experience to student skill mastery over the time period of equalization would be useful in either accepting or rejecting the court's definition of "quality" teachers.

Underlying the 1971 equalization decree is the assumption that all students have an equal chance to be successful in the academic system if equal amounts of money are spent on them. This assumes that children are more similar in their educational needs than they are different. Perhaps what is needed--once a school system can demonstrate that a pattern of discrimination no longer exists in its resource allocation--is an approach that assumes children are more different than they are alike, that variation in expenditure and educational program is more appropriate than is the equalization of expenditure.

In developing an alternative to equalization to present to the court, the D.C. School System is moving the direction of a plan based on assumptions of dissimilar student need. A January 1975 paper submitted to the Board of Education by School Superintendent Barbara A. Sizemore, entitled "Becoming 'Comparable' and 'Equal': Questions and Answers," stated the following philosophical approach:

> "...'equal' is defined in terms of equity or the meeting of the educational needs of all children with justice, fairness, and impartiality...the needs of children vary, and...since these needs vary educational programs must vary. Some educational programs cost more than others. Therefore, providing each student with educational programs that cost equal dollar amounts reduces the extent to which appropriate educational programs can be provided for all children and hence erodes the pursuit of equity. What is needed, then, is an educational system for people, all of whom are different, instead of one for people who are assumed to be alike. This will require a model in which resources are commensurate with need...Programs that cost approximately equal dollars cannot meet greatly varying educational needs." (Sizemore, p. 7, 8)

The question then raised in the paper is whether "the arbitrary plus or minus 5% mechanical constraint embedded in the existing (equalization) decree" permits a variation of resources that is compatible with the variation of student need. Data to support or reject such a proposition has not been collected for analysis.

Conclusion

Each time the school system goes through the process of implementing the 1971 Equalization Decree, modifications are made in implementation procedures and in the methods that are used to effect equalization.

Some departures from the initial 1971 equalization plan, such as the change in the data base from projected enrollment to actual enrollment figures, have made implementation of the order more realistic. Others, such as the practice of achieving compliance with the letter of the law by shifting special subject teachers instead of classroom teachers raises questions about compliance with the spirit of the law.

A scholarly case study analysis of the impact of equalization on the Public Schools of the District of Columbia could be a useful document for school system administrators and educational planners both in the District and elsewhere. However, for the reasons cited in this critique, the document, A Quest for Equal Educational Opportunity in a Major Urban School District: The Case of Washington, D.C. prepared for the National Institute of Education by the Syracuse University Research Corporation, the D.C. Citizens for Better Education, and the ETS Education Policy Research Institute fails to achieve constructive analysis of a controversial experiment of interest to the entire educational community.

Postscript

The D.C. Citizens for Better Public Education prepared a summary of A Quest for Equal Educational Opportunity in a Major Urban School District: The Case of Washington, D.C. Although the structure and format of the summary bear little resemblence to the original report, the substance is unchanged. In a constructive omission, the summary makes no reference to the report's discussion of the Washington, D.C., "societal context" nor to the report's digression into the compatibility

of the equalization decree and the Title I comparability guidelines. But in all other respects the summary includes all the errors in methodology, data utilization, data analysis, data interpretation, and data presentation contained in the original report. Therefore, the summary is subject to the same criticisms that apply to the total report.

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